

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, March 15, 2020 at 4:03 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Matt Newton, Gregg Phipps, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmember Julie Eiselt, Renee Johnson, and Victoria Watlington.

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INVOCATION AND PLEDGE

Mayor Vi Lyles gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Egleston.

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ITEM NO. 2A: CLOSED SESSION

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to go into closed session pursuant to NC General Statute § 143-318.11(a)(6) to go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or Employee.

The meeting was recessed at 4:07 p.m. for a closed session. The closed session recessed at 4:55 p.m. to move to the regularly scheduled Zoning Meeting.

Councilmember Watlington at 4:05 p.m.

Mayor Lyles said On Monday, March 8th, the Charlotte City Council held a closed session pursuant to General Statutes, 143.318.77 (a) (6) to consider the competence, performance, character, fitness, and conditions of employment of an individual public officer, our employee. In this case, it was the City Manager, Marcus Jones. In that review, the City Council made a determination that for a number of reasons that five years of service for Mr. Jones has really been exceptional this year in the sense of dealing with the issues that we've all had to struggle with over this pandemic. Not only is it just the COVID (mild to severe respiratory infection caused by the coronavirus), it's also with that we had the unrest and the protesting going on, the issues to move towards equity, and that the City of Charlotte had received CARES ACT (Coronavirus Aid, Relief, and Economic Security) money that went immediately out to the community. For a number of those initiatives, I would like to read a motion of an item that the City Council approved in a closed session for a formal vote in a public session as required.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to approve a 5% merit base pay for the City Manager, 10% performance bonus applied after the merit base increase, a \$3,100 annual lump sum expense at \$5,000 to the deferred compensational annually, and retiree health reimbursement plan \$100 per week with a vested requirement of 5 year of service. This action will be effective July 1, 2021.

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Keba Samuel, Vice Chair of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee said The zoning committee will meet on Tuesday, March 30, 2021, at 5:30 p.m. to deliberate and make recommendations on the petitions being heard tonight. The public is invited, but it is not a continuation of the public hearing. There will be no opportunity for public input unless a committee member has a question that must be answered by a member of the public. That meeting will stream live on the City of Charlotte design and Facebook page. We have the Zoning Committee members joining our live stream either on the Government channel, the City's YouTube page, or the City's Facebook page.

Mayor Lyles said welcome to the March 15th Zoning Meeting. Tonight is once again a virtual Zoning Meeting, and it's being held in accordance with the electronic meeting statute. The requirements of notice, access, and minutes are being met through electronic means. The public and the media are able to view this meeting, and if they're watching it, then they're either on the Government Channel or City's Facebook page or on the City's YouTube page.

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Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to April 19, 2021; a decision on Item No. 7, Petition No. 2020-134 by Impact, LLC to April 19, 2021; a hearing on Item No. 19, Petition No. 2020-133 by DR Horton to April 19, 2021; a hearing on Item No. 20, Petition No. 2020-155 by Go Store It South Tryon, LLC to April 19, 2021; a hearing on Item No. 25, Petition No. 2020-197 by The Paces Foundation, Inc to April 19, 2021; a hearing on Item No. 30, Petition No. 2020-173 by FC Odell School, LLC to April 19, 2021; and, withdrawal of Item No. 21, Petition No. 2020-186 by Sam's Mart.

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ITEM NO. 2B: FOLLOW UP REPORT

There was not a follow-up report

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 15-Z, PETITION NO. 2020-068 BY LEVINE PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZINGING FOR APPROXIMATELY 8.5 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF HEDGEMORE ROAD, SOUTH OF WOODLAWN ROAD, AND WEST OF SELWYN AVENUE FROM O-1 (OFFICE) AND MUDD (CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential/office/retail uses. Therefore we find this petition to Choose an item. public interest based on information from the post-hearing staff analysis and the public hearing and because the site is within the Park Woodlawn Activity Center as identified by the Centers, Corridors and Wedges Growth Framework (CCW). The Park Woodlawn Area Plan and CCW both recommend creating mixed-use, urban, walkable development patterns within Activity Centers. The plan proposes a mixture of uses by maintaining the existing office building, redeveloping surface parking, and developing a vacant portion of the site with residential, office, hotel, and business uses. The proposal reduces surface parking lots and creates walkable and pedestrian-friendly development with active ground floor uses, along the streets. The petition creates a denser

development pattern to help establish the area as part of the core of the Activity Center, as recommended by the area plan.

Motion was made by Councilmember Bokhari, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-068 By Levine Properties, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential/office/retail uses. Therefore we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the site is within the Park Woodlawn Activity Center as identified by the Centers, Corridors and Wedges Growth Framework (CCW). The Park Woodlawn Area Plan and CCW both recommend creating mixed use, urban, walkable development patterns within Activity Centers. The plan proposes a mixture of uses by maintaining the existing office building, redeveloping surface parking and developing a vacant portion of the site with residential, office, hotel and business uses. The proposal reduces surface parking lots and creates walkable and pedestrian friendly development with active ground floor uses, along the streets. The petition creates a denser development pattern to help establish the area as part of the core of the Activity Center, as recommended by the area plan.

Councilmember Bokhari said congratulations to everyone involved in what is going to be an amazing project.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 582-583.

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ITEM NO. 6: ORDINANCE NO. 16-Z, PETITION NO. 2020-083 BY THE KEITH CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.397 ACRES LOCATED ALONG THE NORTHEAST SIDE OF 5TH STREET, THE SOUTHWEST SIDE OF PARK DRIVE, AND NORTH OF CASWELL ROAD FROM O-2 (OFFICE) AND R-43MF (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by McMillan) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is consistent with the Elizabeth Area Plan recommendation for office/residential for the majority of the site and inconsistent with the recommendation for institutional for the remainder of the parcel. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the request is currently developed with institutional, office and residential uses. The request is generally consistent with the adopted plan. The proposed

development is consistent with the mix of institutional, office, and residential developments in the surrounding area. The parcel is less than .25 mile of the Hawthorne/5th Stop on the LYNX Gold Line. The proposed uses and site design will provide the desired uses and form of development near the streetcar. The project commits to 8-foot sidewalks and 8-foot planting strips along abutting rights-of-way. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, for a portion of the site from current recommended institutional to office/residential.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

- Eliminated the following language pertaining to residential porches “when provided”.
- Minor modifications to language pertaining to structured parking language for clarity.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously to approve Petition No. 2020-083 by The Keith Corporation and adopt the following Statement of Consistency: This petition is consistent with the Elizabeth Area Plan recommendation for office/residential for the majority of the site and inconsistent with the recommendation for institutional for the remainder of the parcel. However we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the request is currently developed with institutional, office, and residential uses. The request is generally consistent with the adopted plan. The proposed development is consistent with the mix of institutional, office, and residential developments in the surrounding area. The parcel is less than .25 mile of the Hawthorne/5th Stop on the LYNX Gold Line. The proposed uses and site design will provide the desired uses and form of development near the streetcar. The project commits to 8-foot sidewalks and 8-foot planting strips along abutting rights-of-way. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, for a portion of the site from current recommended institutional to office/residential as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 584-585.

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ITEM NO. 8: ORDINANCE NO. 17-Z, PETITION NO. 2020-153 BY 9900 MOUNT HOLLY ROAD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.04

ACRES LOCATED ALONG THE NORTH SIDE OF MOUNT HOLLY ROAD, SOUTH OF STONEYRIDGE DRIVE, AND NORTHWEST OF SONOMA VALLEY DRIVE FROM R-17 MF LWPA (MULTI-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) AND R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-17 MF (CD) LWPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, but it is inconsistent with the density recommendation based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential; and the plan recommends 12 dwelling units per acre. Therefore we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed residential land use is consistent with the land use recommendation as per the Catawba Area Plan. The portion of the site along Mount Holly Road is already zoned for multi-family land uses at R-17MF. The site is located at the interchange of Interstate 485 and Mount Holly Road, adjacent to a future neighborhood-serving retail center, which would support a higher density multi-family residential development. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from residential up to 12 DUA to residential up to 17 DUA land use for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Phipps, and carried unanimously to approve Petition No. 2020-153 by 9900 Mount Holly Road, LLC and adopt the following Statement of Consistency: This Petition is found to be consistent with the Catawba Area Plan, but it is inconsistent with the density recommendation based on the information from the final staff analysis and the public hearing and because the plan recommends residential; and the plan recommends 12 dwelling units per acre. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed residential land use is consistent with the land use recommendation as per the Catawba Area Plan. The portion of the site along Mount Holly Road is already zoned for multi-family land uses at R-17MF. The site is located at the interchange of Interstate 485 and Mount Holly Road, adjacent to a future neighborhood serving retail center, which would support a higher density multi-family residential development. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from residential up to 12 DUA to residential up to 17 DUA land use for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 586-587.

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ITEM NO. 9: ORDINANCE NO. 18-Z, PETITION NO. 2020-156 BY EASTGROUP PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 38.33 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF PINECREST DRIVE, NORTH OF SHOPTON ROAD, AND EAST OF INTERSTATE 485 FROM R-3 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Westside Strategic Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/business park / industrial land uses. Therefore we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed uses are consistent with the overall industrial and business park land use recommendation for this area. The proposed site plan will provide a 100-foot class A buffer between the industrial buildings and the Duke Power easement adjacent to the existing residential neighborhood. Both the required buffer and the easement provide a large separation from the proposed industrial uses and the existing residential. This parcel is adjacent to existing industrial and follows the general development pattern of the area. The site is located within the Shopton Road Industrial Activity Center and the Airport Noise Overlay.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-156 by Eastgroup Properties and adopt the following Statement of Consistency: This petition is found consistent with the Westside Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office / business park / industrial land uses. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed uses are consistent with the overall industrial and business park land use recommendation for this area. The proposed site plan will provide a 100-foot class A buffer between the industrial buildings and the Duke Power easement adjacent to the existing residential neighborhood. Both the required buffer and the easement provide a large separation from the proposed industrial uses and the existing residential. This parcel is adjacent to existing industrial and follows the general development pattern of the area. The site is located within the Shopton Road Industrial Activity Center and the Airport Noise Overlay.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 588-589.

Councilmember Johnson joined at 5:00 p.m.

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ITEM NO. 10: ORDINANCE NO. 19-Z, PETITION NO. 2020-161 BY KM JDH BEATTIES FORD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.377 ACRES LOCATED ON THE SOUTH SIDE OF MT HOLLY-HUNTERSVILLE ROAD, EAST OF FOX THORNE DRIVE AND WEST OF BEATTIES FORD ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northwest District Plan (1990) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the parcel in this petition was previously rezoned under Rezoning Petition 2007-094, which was approved for B-1(CD) zoning to develop a small shopping center centered around neighborhood-service uses. This petition requests B-2(CD) zoning in order to develop a small drive-through restaurant as part of an existing center to neighborhood services and retail uses. This drive-through use is an appropriate accessory use to the existing proximate shopping center and are not prohibited in the approved site plan for Rezoning 2007-094. The petitioner commits to establishing appropriate screening and buffers for the drive-through lane and other parts of the site.

Motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-161 by KM JDH Beatties Ford, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Northwest District Plan (1990) based on the information from the final staff analysis and the public hearing, and because the plan recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the parcel in this petition was previously rezoned under Rezoning Petition 2007-094, which was approved for B-1(CD) zoning to develop a small shopping center centered around neighborhood-service uses. This petition requests B-2(CD) zoning in order to develop a small drive-through restaurant as part of an existing center to neighborhood services and retail uses. This drive-through use is an appropriate accessory use to the existing proximate shopping center and are not prohibited in the approved site plan for Rezoning 2007-094. The petitioner commits to establishing appropriate screening and buffers for the drive-through lane and other parts of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 590-591.

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ITEM NO. 11: ORDINANCE NO. 20-Z, PETITION NO. 2020-162 BY MT. ISLAND PROMENADE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.11 ACRES LOCATED ALONG THE NORTHWEST SIDE OF SMITH FARM ROAD, THE SOUTHEAST SIDE OF CORNING PLACE, AND SOUTH OF RIVERBEND VILLAGE DRIVE FROM NS LWPA (NEIGHBORHOOD SERVICES, LAKE WYLIE PROTECTED AREA) TO NS SPA LWPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT, LAKE WYLIE PROTECTED ARE).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Brookshire/I-485 Interchange Study based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends Residential/Office/Retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this site in this petition was previously rezoned under Rezoning 2016-128. Rezoning 2016-128 approved 125 acres on the eastern side of Mt. Holly-Huntersville road for a large mixed-use development which included commercial, retail, and residential. Rezoning 2016-128 approved Development Area A-1 to have two principal buildings with no drive-through and only an accessory drive-through use for a bank in Development Area A. This petition seeks to amend the previous approved conditional plan to allow one drive-through in Development Area A-1 and an additional drive-through for a portion of Development Area A, labeled Development Area A-P on the site plan. There would be no increase in the previously approved square footage of the site. The petition commits to enhanced and complementary architectural details such as translucent windows, gable roofs, complementing wall textures. Along the site's frontage on each of the abutting Sugar Magnolia Drive and the opposite side of Smith Farm Road (where development occurs), the petitioner commits to providing an 8-foot planting strip and a 6-foot sidewalk to improve the pedestrian experience.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-162 by Mt. Island Promenade, LLC. and adopt the following Statement of Consistency: this petition is found to be consistent with the Brookshire/I-485 Interchange Study based on the information from the final staff analysis and the public hearing, and because the plan recommends Residential/Office/Retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this site in this petition was previously rezoned under Rezoning 2016-128. Rezoning 2016-128 approved 125 acres on the eastern side of Mt. Holly-Huntersville road for a large mixed-use development which included commercial, retail, and residential. Rezoning 2016-128 approved Development Area A-1 to have two principle buildings with no drive-through and only an accessory drive-through use for a bank in Development Area A. This petition seeks to amend the previous approved conditional plan to allow one drive-through in Development Area A-1 and an additional drive-through for a portion of Development Area A, labeled Development Area A-P on the site plan. There would be no increase in the previously approved square footage of the site. The petition commits to enhanced and complementary architectural details such as translucent windows, gable roofs, complementing wall textures. Along the site's frontage on each of the abutting Sugar Magnolia Drive and the opposite side of Smith Farm Road (where development occurs) the petitioner commits to providing an 8-foot planting strip and a 6-foot sidewalk to improve the pedestrian experience.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 592-593.

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ITEM NO. 12: ORDINANCE NO. 21-Z, PETITION NO. 2020-165 BY TAYLOR DAVIS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.99 ACRES LOCATED ALONG THE SOUTH SIDE OF MT. HOLLY - HUNTERSVILLE ROAD, THE EAST SIDE OF BEATTIES FORD ROAD, AND NORTH OF INTERSTATE 485 FROM R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-8MF (CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL SITE PLAN AMENDMENT) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition found to be consistent with the Northlake Area Plan (2008) recommendation of residential use for a portion of the site, but inconsistent with the recommended density of up to 5 dwelling units per acre (DUA) and inconsistent with the portion of the site recommended for a greenway based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential up to 5 dwelling units per acre for a portion of the site and recommends a greenway for the other portion. However, we find this petition to be reasonable and in the public interest based on information from

the post-hearing staff analysis and the public hearing and because this site was previously approved for 29 townhome dwellings with a density of 4.1 DUA under Rezoning 2005-115. This petition proposes up to 57 units of senior multi-family housing, increasing the density up to 8.15 DUA. While this petition increases the density, it still fulfills the plan's recommendation of residential use. The senior housing proposed in this petition will help to increase housing options for seniors in this location in the city. Utilizing this location for senior housing is additionally appropriate due to the proximity of the grocery store and pharmacy located on the other side of Beatties Ford Road. This petition fulfills the area plan's goal of improving housing options to develop more diverse housing stock. The petition commits to constructing a 5-foot sidewalk and an 8-foot planting strip along Mt. Holly-Huntersville Road Frontage and Beatties Ford Road, and an 8-foot planting strip and 12-foot multi-use path along Mt. Holly-Huntersville Road to be located from the new back of the curb. These pedestrian improvements will serve the residents of the new development and increase connectivity to the surrounding commercial areas. The petition commits to dedicating their SWIM buffer and 50% of the floodplain to Mecklenburg County for potential recreation uses and stormwater creek restoration. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan, from Residential up to 5 DUA and Greenway to Residential up to 12 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs to approve Petition No. 2020-165 by Taylor Davis and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008) recommendation of residential use for a portion of the site, but inconsistent with recommended density of up to 5 dwelling units per acre (DUA) and inconsistent with the portion of the site recommended for a greenway based on the information from the final staff analysis and the public hearing, and because the plan recommends residential up to 5 dwelling units per acre for a portion of the site and recommends a greenway for the other portion. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this site was previously approved for 29 townhome dwellings with a density of 4.1 DUA under Rezoning 2005-115. This petition proposes up to 57 units of senior multi-family housing, increasing the density up to 8.15 DUA. While this petition increases the density, it still fulfills the plan's recommendation of residential use. The senior housing proposed in this petition will help to increase housing options for seniors in this location in the city. Utilizing this location for senior housing is additionally appropriate due to the proximity of the grocery store and pharmacy located on the other side of Beatties Ford Road. This petition fulfills the area plan's goal of improving housing options to develop a more diverse housing stock. The petition commits to constructing a 5-foot sidewalk and an 8-foot planting strip along Mt. Holly-Huntersville Road Frontage and Beatties Ford Road, and an 8-foot planting strip and 12-foot multi-use path along Mt. Holly-Huntersville Road to be located from the new back of the curb. These pedestrian improvements will serve the residents of the new development and increase connectivity to the surrounding commercial areas. The petition commits to dedicating their SWIM buffer and 50% of floodplain to Mecklenburg County for potential recreation uses and stormwater creek restoration. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan, from Residential up to 5 DUA and Greenway to Residential up to 12 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 594-595.

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ITEM NO. 13: ORDINANCE NO. 22-Z, PETITION NO. 2020-167 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.08 ACRES LOCATED ON THE WEST SIDE OF BANCROFT STREET, NORTH OF 24TH STREET, AND EAST OF GRAHAM STREET FROM I-2 (GENERAL INDUSTRIAL) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition found to be consistent with the North Tryon Area Plan (2010)

recommendation of Residential/Office/Retail use but inconsistent with the area plan's recommendation of a residential density of up to 22 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends Residential/Office/Retail with a residential density of up to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 73 single-family attached townhomes for a density of 23.7 DUA. While slightly higher than the area plan's recommended density of 22 DUA, this petition helps to stabilize the interior Graham Heights and Lockwood neighborhoods by creating a compatible adjacent land use on the neighborhood edges, thus providing an appropriate buffer between the neighborhoods and the industrial uses on the other side of North Graham Street, as proposed in the area plan. This petition commits to providing internal and external sidewalks and pedestrian connections, following the area plan's recommendation to provide pedestrian accessibility from the interior neighborhoods to other areas for this section of the plan area. Each single-family attached home built on the site will be alley or rear loaded, maximizing the pedestrian experience throughout the development. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Residential/Office/Retail to Residential up to 43 dwelling units per acre for the site.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

- Reduces units from 73 units to 69 units for a density of 22.4 DUA.
- Added a note that limits the southernmost vehicular access point on Bancroft Street to emergency fire access only.
- A minor site plan revision to swap the locations of the visitor parking and the dog park located at the southern boundary of the site based on input from the neighbors.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-167 by Hopper Communities and adopt the following Statement of Consistency: this petition is found to be consistent with the North Tryon Area Plan (2010) recommendation of Residential/Office/Retail use but inconsistent with the area plan's recommendation of a residential density of up to 22 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends Residential/Office/Retail with a residential density of up to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 73 single family attached townhomes for a density of 23.7 DUA. While slightly higher than the area plan's recommended density of 22 DUA, this petition helps to stabilize the interior Graham Heights and Lockwood neighborhoods by creating a compatible adjacent land use on the neighborhood edges, thus providing an appropriate buffer between the neighborhoods and the industrial uses on the other side of North Graham Street, as proposed in the area plan. This petition commits to providing internal and external sidewalks and pedestrian connections, following the area plan's recommendation to provide pedestrian accessibility from the interior neighborhoods to other areas for this section of the plan area. Each single family attached home built on the site will be alley or rear loaded, maximizing the pedestrian experience throughout the development. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Residential/Office/Retail to Residential up to 43 dwelling units per acre for the site as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 596-597.

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ITEM NO. 14: ORDINANCE NO. 23-Z, PETITION NO. 2020-170 BY SREE PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .26 ACRES WITH FRONTAGES ON DOWNS AVENUE AND SHAMROCK DRIVE, EAST OF NEWELL AVENUE FROM R-5 (RESIDENTIAL) TO R-8 (RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition found to be inconsistent with the Central District Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family uses up to five dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request would permit single-family uses on the site which, while over recommended density, is still consistent with the recommended uses for the parcel per the adopted land use plan. While over the Central District Plan's

recommended density, the petition meets the General Development Policies locational criteria for consideration of eight to 12 dwellings per acre. The requested district will not allow any greater height allowance than already permitted under existing entitlements (40 feet for a residential structure). The request is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district is meant to address, as the ordinance states, "urban single-family living". The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single-family uses up to five DUA to residential uses up to eight DUA.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-170 by Sree Properties and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends single family uses up to five dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request would permit single family uses on the site which, while over recommended density, is still consistent with the recommended uses for the parcel per the adopted land use plan. While over the Central District Plan's recommended density, the petition meets the General Development Policies locational criteria for consideration of eight to 12 dwellings per acre. The requested district will not allow any greater height allowance than already permitted under existing entitlements (40 feet for a residential structure). The request is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district is meant to address, as the ordinance states, "urban single family living". The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family uses up to five DUA to residential uses up to eight DUA.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Maryann Ornelas, phxgal-1@att.net

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 598-599.

ITEM NO. 15: ORDINANCE NO. 24-Z, PETITION NO. 2020-174 BY MOD CLT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.44 ACRE AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF NORWOOD DRIVE AND

PARKWAY AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-5 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential at up to five dwelling units per acre (DUA) for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition meets the General Development Policies for supporting an increase in density up to 8 dwelling units per acre for this site. A slightly higher density is appropriate at this location on a corner lot as a transition to the single-family residential to the east and south of the site. An extension of Stewart Creek Greenway, currently under construction, will bring a connector trail across Parkway Avenue from the site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single-family up to 5 DUA to residential up to 8 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-174 by MOD CLT, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential at up to five dwelling units per acre (DUA) for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition meets the General Development Policies for supporting an increase in density up to 8 dwelling units per acre for this site. A slightly higher density is appropriate at this location on a corner lot as a transition to the single family residential to the east and south of the site. An extension of Stewart Creek Greenway, currently under construction, will bring a connector trail across Parkway Avenue from the site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family up to 5 DUA to residential up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 600-601.

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ITEM NO. 16: ORDINANCE NO. 25-Z, PETITION NO 2020-175 BY LINCOLN HARRIS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.34 ACRES BOUNDED BY THE NORTHEAST SIDE OF 5TH STREET, SOUTHEAST OF NORTH TRYON STREET, SOUTHWEST OF EAST 6TH STREET, AND NORTHWEST OF NORTH COLLEGE

STREET FROM UMUD (UPTOWN MIXED-USE DISTRICT) TO UMUD-O (UPTOWN MIXED-USE DISTRICT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the Charlotte Center City 2020 Vision Plan (2011). While this plan does not make a specific land use recommendation for the site, it encourages future development contribute to the overall viability and livability of Center City. Therefore we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition proposes an optional request to allow signs to be mounted to building curtain walls/windows for an uptown building under construction. The proposed signage will accommodate an additional identifying element for a major structure in uptown. The proposed signage will blend with the overall architecture of the building and will not obstruct internal views for the signs proposed on the glass surfaces.

Motion was made by Councilmember Graham, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-175 by Lincoln Harris, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the Charlotte Center City 2020 Vision Plan (2011). While this plan does not make a specific land use recommendation for the site, it encourages future development contribute to the overall viability and livability of Center City. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes an optional request to allow signs to be mounted to building curtain walls/windows for an uptown building under construction. The proposed signage will accommodate an additional identifying element for a major structure in uptown. The proposed signage will blend with the overall architecture of the building and will not obstruct internal views for the signs proposed on the glass surfaces.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 602-603.

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ITEM NO. 17: ORDINANCE NO. 26-Z, PETITION NO. 2020-178 BY TERESA M. ORSINI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.7 ACRE LOCATED SW OF THE INTERSECTION OF BELMONT AVENUE AND SEIGLE AVENUE IN THE BELMONT NEIGHBORHOOD FROM MUDD-O/I-2 (MIXED-USE DEVELOPMENT, OPTIONAL & INDUSTRIAL) TO MUDD-O AND MUDD-O SPA (MIXED-USE

DEVELOPMENT, OPTIONAL AND MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multi-family/office/retail for the majority of the site and only multi-family uses for a smaller portion of the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request for mixed-use zoning at this location is contextually appropriate considering the location is proximal to recent residential infill projects and other mixed-use and business locations. The petition's proposed adaptive reuse of the site's existing structure accomplishes the plan's recommendation of taking a preservation-oriented approach to development in the Belmont community. While a portion of this property is zoned industrial, it is unlikely that this area develops under its existing zoning entitlements due to development trends in the area. The petition is in alignment with the plan's land use and development goals and objectives in that it attempts to provide retail while protecting residential areas. As this is a request for non-residential infill, no homes will be removed as a result of this petition. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Plan for a portion of the site from multi-family to multi-family/office/retail for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-178 by Teresa M. Orsini and adopt the following Statement of Consistency: this petition is found to be both consistent and inconsistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family/office/retail for the majority of the site and only multi-family uses for a smaller portion of the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request for mixed-use zoning at this location is contextually appropriate considering the location is proximal to recent residential infill projects and other mixed-use and business locations. The petition's proposed adaptive reuse of the site's existing structure accomplishes the plan's recommendation of taking a preservation-oriented approach to development in the Belmont community. While a portion of this property is zoned industrial, it is unlikely that this area develops under its existing zoning entitlements due to development trends in the area. The petition is in alignment with the plan's land use and development goals and objectives in that it attempts to provide retail while protecting residential areas. As this is a request for non-residential infill, no homes will be removed as a result of this petition. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Plan for a portion of the site from multi-family to multi-family/office/retail for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 604-605.

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ITEM NO. 18: ORDINANCE NO. 27-Z, PETITION NO. 2020-180 BY NRP PROPERTIES, LLC PROPERTY COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.931 ACRES LOCATED ON THE EAST SIDE OF SUGAR CREEK ROAD, SOUTH OF ROLLING HILL DRIVE, AND NORTH TRYON STREET FROM R-12MF (MULTI-FAMILY RESIDENTIAL) AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) recommendation of single-family residential for parcel 08903554. For all additional parcels, the petition is consistent with the Northeast District Plan (1996) recommendation of multi-family residential uses based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential for parcel 08903554. For all additional parcels, the plan recommends multi-family residential uses. The General Development Policies (GDP) recommends a residential density over 17 dwelling units per acre (DUA). However, we find this petition to Choose an item. public

interest based on information from the post-hearing staff analysis and the public hearing and because This petition proposes up to 200 multi-family dwelling units with a density of 21.76 DUA. The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 DUA. This petition helps to fulfill the Northeast Area Plan's (1996) goal of having a variety of housing types which are accessible to amenities, such as a bus stop or grocery store (located on the other side of North Tryon Street). The petitioner commits to ensuring pedestrian walkability to nearby amenities by proposing an 8-foot planting strip and 8-foot sidewalk along the site's public street frontages, and by providing a sidewalk connection in front of each multi-family building to be constructed. The site plan proposes functional amenities for future residents, including a club house with a fitness center, covered picnic areas with grills, and a playground. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) for a portion of the site, from Single Family Residential to Residential up to 22 DUA for the site.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

- The curb line on West Sugar Creek Road is shown as being relocated to 41-feet from the centerline of West Sugar Creek Road.
- The relevant driveway access has been removed from the rezoning plan.
- Petitioner agrees to pay \$100,000 to the City's Transportation Improvement Fund.
- Reserves future right-of-way for the extension of Penny Way

Motion was made by Councilmember Driggs, seconded by Councilmember Johnson, and carried unanimously not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs to approve Petition No. 2020-180 by NRP Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) recommendation of single family residential for parcel 08903554. For all additional parcels, the petition is consistent with the Northeast District Plan (1996) recommendation of multi-family residential uses based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential for parcel 08903554. For all additional parcels, the plan recommends multi-family residential uses. The General Development Policies (GDP) recommends a residential density over 17 dwelling units per acre (DUA). However, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because This petition proposes up to 200 multi-family dwelling units with a density of 21.76 DUA. The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 DUA. This petition helps to fulfill the Northeast Area Plan's (1996) goal of having a variety of housing types which are accessible to amenities, such as a bus stop or grocery store (located on the other side of North Tryon Street). The petitioner commits to ensuring pedestrian walkability to nearby amenities by proposing an 8-foot planting strip and 8-foot sidewalk along the site's public street frontages, and by providing a sidewalk connection in front of each multi-family building to be constructed. The site plan proposes functional amenities for future residents, including a club house with a fitness center, covered picnic areas with grills, and a playground. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) for a portion of the site, from Single Family Residential to Residential up to 22 DUA for the site as modified.

Councilmember Johnson said I work very closely with this developer. I want to applaud and congratulate this developer for really working with the community and working with the City and really trying to improve the neighborhood. There was some opposition because of the location and the traffic on Sugarcreek. This developer has done all that can. As you can see they're contributing \$100,000 for future improvements. So, this is a quality product. I wanted the residents of that area to know that we're listening and working closely with the City and the City Manager for other improvements in the future and also our ED Chair, Hidden Valley is high on the list. So, I'm looking forward to supporting this workforce housing in the area.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 606-607.

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HEARINGS

ITEM NO. 22: HEARING ON PETITION NO. 2020-103 BY FIELDING HOMES/DRB GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.92 ACRES LOCATED ALONG THE EAST SIDE PROVIDENCE ROAD AND ALONG THE NORTH SIDE OF ALEXANDER ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning said just under six acres at the corner of Providence Road and Alexander Road. The property is currently zoned R3. The proposed zoning of this evening is UR2 Conditional. We took the policy directives from the South District Plan, which is adopted in 1993. That plan does recommend single-family development at three units per acre. However, given the date of the plan, we do apply the general development policies and those when we can support the density requested, which is 7.6 units per acre. So again, GDP does support the increase in density in this location. This project proposes up to 45 single-family attached dwellings and up to 12 buildings. That comes out again at 7.6 dwelling units per acre. The maximum building height would be 44 feet. We do have one single entrance on Providence Road. Also, we have enhanced setbacks along with the existing residents where they're adjacent. We also have an 8-foot planning strip, an 8-foot sidewalk along with Providence, as well as an 8-foot planning strip and 6-foot sidewalk on Alexandra Road. Each unit would provide a garage and also commits to enhance architectural standards with things like limitations on blank walls, usable porches, and stoops, sidewalk nexuses to entrances, etc. So with that, the staff does recommend approval of this petition. We do have some outstanding issues related to site building design and transportation, as well as some technical revisions related to some notes for the site and building design.

As mentioned, it is inconsistent with the South District plan, which recommends residential at three units per acre. However, it is consistent with the general development policies that support a density just less than or equal to 8 DUA.

Keith MacVean, 100 North Tryon Street said with Moore Van Allen, assisting the /DRB Group/ Fielding homes with this rezoning petition. With me tonight is James Martin with the DRB Group, as well as Benji Layman with the [inaudible], the engineer for the site. I want to thank Dave and everybody for their help on the petition, both CDOT (C-DOT (Charlotte Department of Transportation) and the Planning Department have spent a lot of time working with us and others on this request. The neighbors, you will hear from them later. We appreciate their patience and their professionalism on this site has been very helpful and it's has gotten us to a much better place with this petition than where it started a few years ago.

I'm going to turn it over quickly to James Martin so he can give you a little bit of background on the DRB Group.

James Martin, 227 West Trade Street Suite 1610 said we're excited to introduce our plans for a new community that will offer 45 for-sale townhomes at the corner of Providence and Alexandra Road. The Charlotte team of DRB Group and the Charlotte Team of the [inaudible] Group, we're local. We've been involved in a number of local developments separately and together as a team. We're made up of home building, design, and community development professionals with a good bit of experience in the Charlotte area. The DRB Group operates under three different brands, Elevate Homes, [inaudible] Builders, Building Homes. That's anywhere from age-restricted product to townhomes to single-family detached.

But again, thank you again for your time tonight and staff, thank you for helping work through these issues that we've had and your patients. Oh, sorry. One more thing. This is a list of some of the communities that we're building in right now just around the Charlotte area, some in Fort Mill, some in Huntersville, some near Center City as well. The price points that we have, some are townhomes and others are a single-family. We have a good breadth of experience in this local market.

Benji Layman, 8720 Red Oak Boulevard, Suite 420 said as Dave mentioned, just a just slightly less than six acres located in the northeast quadrant of the intersection of Providence and Alexander. Existing Zoning R3. Proposed zoning UR-2 CD. The request again, the site is currently made up of two parcels with the two existing single-family homes. There's also a small pond that is shared with the adjacent property owners located on the eastern part of the site. The request is to develop 45 for-sale townhomes, a maximum height of 44 feet and three stories. This area where the pond exists is supposed to be dedicated to the adjacent property owner that shares the pond.

Mr. MacVean said as Dave mentioned, there will be access from Providence Road, no access from Alexander. This is the site plan that we've proposed, this is a plan that was developed after our second community meeting. 35 alley-loaded units, maximum and again, as I mentioned, 45, 44 feet. As I mentioned, the half-acre that includes a small pond on the site and some of the surrounding area around the pond will be offered and dedicated to convey to the adjacent property owner directly to our East, Mr. Tom Jackson. Access right in right out of Providence is approximately 500 feet from the intersection. In terms of distances to adjacent property owners to our nearest neighbor, to the West, which is across Providence Road, approximately about 175 feet structure to structure. To our North, to our single-family neighborhood, which is separated by 165 feet, there's also a buffer with a six-foot fence and a small stream that separates the units and the homes in that neighborhood from the proposed development. Then the East, our closest unit to our neighbor to the East, which is Mr. Jackson's home, is about 110 feet and again, also separated by a buffer and an eight-foot fence. Mr. Jackson is no longer opposed to this petition. We have been able to work with him to satisfy his issues.

These are two site plans that show you what we presented to our community meeting early in February and then now what we're actually presenting at a public hearing. The site plan on the right, which is the new site plan, which is what is before you tonight for a

public hearing, reduce the number of units from 48 to 45 and modify the layout to really create more open spaces and separate to the adjacent property owners. It also increases to set back along Providence Road from 30 feet, 45 feet. That would be a modification that we'll be making tonight.

We also modified it to allow a building height. We had originally proposed some buildings up to 52 feet. The revised plan lower all building heights to 44 feet. Then again, as I mentioned, we increased the separation to the adjacent property owners so that, again, much what we feel and a much better plan, enhanced plan that create a better separation and transition to the neighbors.

In terms of traffic, the site does generate six additional troops in the a.m. and 11 more troops in the .p.m. Just slightly over 100 trips total. Again, we don't feel a substantial impact on traffic on Providence Road. A very small number compared to by-right. This has been analyzed by C-Dot. We did modify access, limit access to only Province Road. When you look at the trip numbers and potential, U-turns on Province Road in the p.m. varies, we think would be a low number based on the number of ways that you can get to the site. Also in the morning, with only 18 cars leaving in the morning. Again, not everyone having a South on Providence and therefore not an impact in Providence Road, with a U-turn North of the site.

In terms of school impact, only an increase of six students over by-right development, adding three students to the elementary school and high school beyond what the by-right development would allow.

Quality architecture with quality materials, brick, and 17-inch siding. Like I mentioned, alley-fed, roof overhangs, good fences, windows added to create to the sides and the ends of the buildings to create attractive ends of buildings. Then you see a little bit of information on the size of units 1,600 and 2,000 square feet, one and two-car garages Three stories, three and four bedrooms with two and a half baths for a unit.

Some of the benefits of a quality residential community with quality materials are for sale-community creates a [inaudible] choice for this area of the City, which is predominantly developed, single-family homes. We made some improvements to Providence Road in terms of sidewalks and planning strips. They put sidewalks and eight-foot strip on both Providence and Alexander creating a better pedestrian environment for folks in the area that are walking and biking. Also proposed works with CATS to install a new bus stop along Providence Road. Provides the buffers and an additional tree-save that by-right development will not be required to do. By-right development also [inaudible] enhancements to the streetscape that is being proposed by this plan. We're happy to answer any questions and thank you for your time.

Christopher Chotard, 6545 Alexander Road said Mr. Leoni and the community have coordinated on his comments, so they will be incorporated in this presentation today. So, Madam Mayor, Mayor Pro-Tem, members of City Council, particularly Councilmember

Driggs, members of Planning, Mr. Pettine, Mr. Kenly as well, C-DOT, especially Lakisha Hall for all your hard work, I want to thank you. This proposal has improved since we began. However, it's still incongruent with the surrounding single-family residential properties. As you can see from the bottom middle photo, which is a rendering the community has made of the projected project. What we don't wish to have is a neighborhood to project in a neighborhood, one community. This is not walkable to any neighborhood Centers. Neighborhood one was meant to be and it's not detached. We don't want another Providence Road.

Secondly, the proposed heights of 44 feet that were mentioned are in excess of the market precedent of 40 feet, which we will show. Thirdly, this is directly at the corner of an F-rated intersection at one of the City's most prominent streets, Providence. I'd like to remind Council that the granting of a rezoning approval is not a right to which the petitioner is automatically entitled. In deciding whether to grant their request, I'd ask City Council to consider the justifiable concerns of the community, a proper evaluation of the propriety of the request in relation to the City to establish plans, including the 2040 Plan and precedent case law influencing the exercise of Council's powers.

The community has had communications with the applicant and expressed our concerns. We appreciate the receptiveness to that. However, they have not been incorporated. We understand R3 is not the solution. We ask your support to ensure a reasonable compromise on this property at market-rate heights of 40 feet at 40 units rather than 45, and with additional setbacks from Providence, which look like have been changed slightly since we last met. While you review some of these talking points on our second slide, I wanted to mention and remind you that I'm speaking on behalf of more than 2,500 immediate community members that are actively petitioning against this project and its current form. They have grave concerns about this project. I ask that you not diminish their points of view, given the smaller size of this project in relation to others that you may review and I ask you, please take our concerns seriously.

While we do understand that this is a legislative process, I would like to remind members of Council that there is case law precedent which governs this, and I would like to read that which makes for the exclusive and preferential benefit of such a particular landowner, in this case, the petitioner with no relation to the community as a whole is not a valid exercise of your sovereign power. When you look at the community benefits that were mentioned, there are already market-rate townhomes for sale. All you have to do is look at the MLS (Major League Soccer). This makes everything prohibitively worse for the community. Traffic will get worse. Density views for neighbors will get worse, school overcrowding will get worse. The impact on the environment will get worse. We do acknowledge this will generate around \$200,000 in property tax revenue for the City. Our proposal with a compromise would generate around \$180,000 of tax revenue for the City with better mitigation of impacts to the community.

Further to the fit, these are all market-rate townhomes, we question why the petitioner has not included any workforce, housing, or age-restricted housing in their plan, which is

something that the City does actually need. There are dozens of townhomes and single-family homes available in the nearby area simply by looking at the MLS allowance of this design and this density is inconsistent with the virtually every planning document City of Charlotte has produced, including the GDP. Our community also has concerns with the up-righting of density and the 2040 plan. It has many excellent features which we appreciate, but it removes further tools from planning. We believe that this rezoning vote will be a bellwether for that pending vote and we appreciate the members of the City Council who are working hard to make that plan better.

I watched a few of these hearings, and the focus always tends toward economics. I won't spend an inordinate amount of time on the environment, but I do wish to note that we had a study conducted by HARP, their local Charlotte-based Environmental Agency. HARP's recommendation is this remain zoned as is. There has been endangered species spotted on-site with precedent for that. We also have runoff from this property directly into McAlpine Creek, which it abuts. I do hope that there are members of the City Council who care about the environment and will comment on that. Our proposal with five fewer units would lessen the impact to the environment.

Regarding our suggestion that heights be at 40 feet rather than 44 feet, you can see from recent rezoning in the district surrounded by single-family, that 40 feet is absolutely the building construction standard. We've asked the applicant to share slipping into apographs with us, but they have not. It's very difficult to have meaningful conversation around building heights when a lot that slopes over 100 feet and with above-market precedent heights. Our proposal, 40-foot heights, would ensure the streetscape blend better along Providence Road and would protect privacy for our neighbors.

At this point, we have five minutes remaining. Gwen Marseilla, who is the immediate neighbor, and myself had signed up for this presentation together. The link is not working for her, and so I'm going to share her over face time.

Mr. Pettine said Mr. Chotard we won't be able to accommodate that. She has to be on the sign-up speaker's list. So, we won't be able to accommodate any additional time for anybody that hasn't been signed up.

Mr. Chotard said okay, well, I spoke to the City Clerk earlier and they mentioned that if we were in the same room because both of our names were listed on the speakers' list, if we were in the same room, or if we were on face time together, it would be acceptable. They did confirm that.

Mayor Lyles said I'm sorry.

Mr. Pettine said the only people we have on the speakers' list are Mr. Leoni and yourself. So, that hasn't been our practice in these virtual meetings so we would stick to that policy. If you're not signed up, you don't get time granted to you.

Mayor Lyles said you have the remaining time if you choose to use it, if you can express those thoughts that she would have, that would be great.

Mr. Chotard okay well, that's very disappointing that you would wish to do that because her name was listed.

Mr. Pettine said it was not.

Mayor Lyles said it was not. I promise you, I'm not sure where that happened or sometimes things do happen, but we did not have her name listed.

Mr. Chotard said it is in the application that I submitted. I'll send it after. Okay so, with the impact to Providence Road, what I'd like to remind City Council is it's not just this rezoning, but the cumulative impact of all of the rezonings that have been approved. And what I think most people don't realize is that traffic on Providence Road will increase by 40% from its current pre-COVID levels as to where it was today.

It's a targeted capacity investment area. It has some of the highest incidences of traffic accidents in the area, and this will produce 300 incremental trips per day. There is only one individual living who's out of the town most of the time at that corner today. So, we do believe it's time to implement proper planning along Providence Road.

It's not only the cumulative impact on Providence Road as well as the increased traffic, but it's the interference with the intersection. As you can see in the bottom left-hand corner with 73 accidents at Providence and Alexander/ Rea Road, this is one of the most dangerous intersections in the area. We have concerns that the driveway-stem entering into the community is a private road with no parking signs permitted. And therefore, if someone stops the landscaping truck with a trailer, perhaps it will interfere with traffic on Providence Road. The left-hand lane, which you see in the middle picture on this slide for turning left onto Alexander/Rea Road, already backed up beyond capacity today and interferes with the intersection, and adding these additional trips and U-turns will dramatically make the situation worse for the community. At rush hour, this intersection is rated F.

As I mentioned, with the environment, we don't hear much consideration for these proposals with respect to schools. Ms. Marseilla, I'll mention on our behalf, her children do go to public schools and she's very familiar with the bus stop and the six buses that stop right nearby this community, right nearby this F. intersection. It's only going to add to the danger. There's no safe place for a bus stop. There is an incremental cost of \$569,000 for taxpayers with the capacity that will be needed with this development. Three of three schools, including one that's not even built yet, are already over capacity. So, I do as well hope that there's some comments and considerations for members of council as relates to our school. Our proposal with 40 units rather than 45 would reduce or improve the situation for schools

So, our recommendation we're here to try to improve this plan with what we're calling the 4040 Compromise, which is a maximum of 40 units rather than 45, a maximum of 40-foot heights rather than 44-foot height, and a larger set back from Providence Road. We also wish Council would consider a portion of this to be workforce or age-restricted housing. If the developer and petitioner are unwilling to compromise, then we hope you'll follow some of the points that we mentioned earlier with respect to this plan and vote no.

We wish to again remind you that it's not just our voices, but the voices of Miss Marseilla and over 2,000 other community members that have grave concerns about this plan. With that, I believe you have this in an electronic copy as well. So I'll see the two minutes back to Mr. MacVean, thank you.

In rebuttal, Mr. MacVean said we appreciate Mr. Chotard's comments and we have been working hard with the community to change the plan, as you saw in our presentation, that has been modified a number of times to address concerns. In terms of Mr. Chotard comments, we are not anything like Providence. We have a total of 15 units on Providence Road on three separate buildings, a maximum height of 44 feet or three stories, the building of Providence and Fairview was much larger than that. Height of 44 feet. Again at four feet higher than Mr. Chotard mentioned, but we've got an extremely larger, we have very good separation, large separations to our adjacent property. Almost over 165 feet to the North, 110 feet to the East, which is our closest neighbor, and he is not opposed to the request, and 175 feet to the East. Benefits wise this does provide Housing Choice, housing variety, or different types of housing type for this area.

It also makes streetscape improvements and works with Cats to provide enhanced service by providing an additional bus stop. It's a small site also. It's consistent with the GDP. The GDP is actually supported by 12 units to the acre. The proposed density here is 7.6 units to the acre. So, there are policies, adopted council policies, and guidelines that would support greater density here. The number of units has been reduced to 45, which is 7.6 units to the acre and again supported by the GDP's traffic. C-DOT, as you can see in the step analysis, indicates this is not a high injury intersection and not an intersection in their high congested intersection list.

In terms of stormwater, we believe we're very comfortable. We're having do stormwater water quality management similar to what a single-family development would do on the site, and that will adhere to the [inaudible] guideline. School, we are not impacting the middle school over by-right.

Councilmember Driggs said there's a lot to think about here. For the staff, I'm wondering what is our objective reference and the height of the building? We're hearing objections to the height of the building. What reference do we have as to what is permissible and what is not?

Mr. Pettine said the ordinance would allow for up to 40 feet b- right under the current zoning. The UR zoning actually allows a height over 40 feet. The further that you get

away from the property lines, you can do a height increase. I believe it's one foot per every ten feet away from the setback. I'd have to verify that with the staff, but I know there is an ability to increase height as you get away from property lines in the UR district. By this sense, they would actually be within those guidelines at 44 feet from as far as I understand, from the staff's comments. So again, the 44 feet is higher than what's allowed by-right, but it's within the allowance for the UR district. Actually, in some ways, they may be able to go taller than 44 in some cases or on some units, but they're capping it at 44 across the board.

Mr. Driggs said if you take that one foot per for each distance, what kind of height would you get to for this development? You're saying it's a benchmark in terms of an extra foot as you get further away from the property line? Is that right

Mr. Pettines said yes, I'd have to go and take a look at the different units and see what they would come in. I know previous iterations of this plan at heights up to 52 feet, which also would be somewhat consistent with UR in that transition. But I'd have to coordinate with the staff and just really get an idea. The units on Providence may be allowed to be taller than the 44 just from where they are from the property lines. But without really getting down into the nuts and bolts of the zoning ordinance with the staff, I'd probably have to do that in a follow-up report for you Councilmember Driggs.

Mr. Driggs said Mr. Chotard, what is the magic, about 40 units, it seems to me that the difference between 40 and 45 shouldn't be a deal-breaker, particularly because in this case, these units were removed as they affect your property. What is the science behind the suggestion that it should be 40 and not 45

Mr. Chotard said Yes, great question. Thank you for asking. The reason that we thought it would be better with slightly fewer units, if you look at those three perpendicular rows to the parallel [inaudible] along Providence Road, if the end units, one or two off the end, and of course, we have to leave it to the petitioner because we're not drawing experts. If you were able to remove one or two off the end, you could push the units fronting Providence Road back further from the street curb. As of today, there is a chance this intersection will be widened in the future. A proposal was begun. I know funding is not there right now, but maybe not the entire street, but this intersection, in particular, does need widening. As I referenced, the left turn lane already is beyond capacity. If that were to happen and it will win by two lanes before the adjustment they made as of today, which I'm not sure was the buildings would be six feet from the sidewalk. So, Councilmember Winston could fall over and probably hit his head on the building. It would be so close. So, if they were to move three units off the end or five and we were trying to get in that sweet spot for them to remove just enough that you could push the building back from Providence Road, which would be an absolute benefit for the entire community. If I may, on the Heights, again, this lot slopes over 100 feet and so it's very difficult for us to know without a topography plan, I mean, there's a berm of around eight feet right along Providence Road. So, 44 feet is actually 52 right now as of

today. I don't know if they plan to grade that down or not, but it's a lot higher than 44 feet today.

Mr. Driggs said all right. The issue of Providence road keeps coming up. The staff is aware of this. We have asked and I've discussed this with the Pro Tem as well, what reference we use. I mean, this is a small project, so the increment doesn't seem to be serious, but what is our benchmark in terms of recognizing the situation in Providence, road, and setting limits or controlling what happens there? This is a staff question.

Lakisha Hull, Charlotte Department of Transportation said this is a project that has a cross-section shown on the drawings of how there is a 64-foot separation from the median and so that additional lane if NC-DOT (North Carolina Department of Transportation) does request, can be accommodated within the right away that's there today. And so notwithstanding not having a full study in place, we do have that right away to accommodate that additional lane and also the planning strip and also the sidewalk. So, that's kind of just based on that analysis and then also how the other UR-2 zonings along Providence Road has been analyzed by City Council and also by the staff, we feel that we have enough space in place for now.

Mr. Driggs said does the GDP actually address the question of traffic, or does that have more to do with density?

Mr. Pettine said now that that gets more into density and design of the project, more so than traffic. I think maybe the main transportation item in GDP is for trying to establish some network of streets if possible, but it really gets into more design and density requirements.

Mr. Driggs said Mr. Chotard, as I told you, there are a lot of things about this proposal that are actually appealing and consistent with what we've done. But I'm going to follow up with you and look further into the question of the height and the frontage and Providence Road and with that, for now, I have no further questions.

Mr. Pettine said it looks like we [inaudible] talk amongst staff.

Mr. Driggs said no, I was just saying that we can't have a conversation. I didn't ask a question. So, I'm yielding to the next councilmember. I'm sorry. I thought that was one of the citizens.

Mr. Pettine said so, it looked like it would be up to 48 feet would be the max height for the project. So again, we're coming in at 44 proposed. Forty-eight would be the max.

Mr. Driggs said all right. Well, can talk about that further.

Councilmember Eiselt said thank you to everybody who presented on this. let me just start with a couple of things. I guess I'm happy to see the change in this plan from what

was originally proposed for rental units at more than double What this present rezoning request is for. So, I'm happy to see that the road out to Alexander has been removed. I am still very, very conflicted, as I say often about any density on Providence Road that doesn't take into account the rest of the density, and the bottom line is, I'm upset about the fact that we still can't address Providence Road with some transportation solutions because whereas this one doesn't get me worked up as much because 45 units is not that is not going to have that much of an impact. The bottom line is we're going to continue to have these on Providence Road and the staff has got to get us an answer on what the plan, even if it's not funded, what the plan is going to be for Providence Road to alleviate traffic congestion. This is the problem we have even with our Comp Plan versus our Mobility Plan, is that the two aren't talking to each other. And we've got to start getting some solutions to these. So, I'd like to say that I'm just happy that this has been reduced and that I'm on board, but I'm not 100% there yet. To be honest, I think that what it does do is it puts density per what we say we want in the Comp Plan. It puts density on a transit corridor. So, that's good. But again, we need to address that transit corridor.

I do like the reduction in density, but the topography is an issue that I also think we need to start addressing because we've got to transition when we're transitioning from traditionally single-family neighborhoods and then all of a sudden you're putting up 40, 45-foot buildings, you've got to look at that transition from that closest house to the development to that closest 45-foot building. And I can point out examples, in particular, the one on the corner of [inaudible] and Selwyn, where we've got probably a 40 some story building that is completely overshadowing the house next door, and I wonder what it's done to the property value of that house because I'm not sure who would want to have that complete loss of daylight next door to them. So, I would hope that the staff would go back and take a closer look at the transition between the tallest building, given the topography in the house next door.

With regards to topography and Providence Road, I'm not really as concerned about that, it's more the transition. So, I'll continue to hear from Mr. Driggs as he talks to the developer and sees what might be done. But I would just ask the staff to take a look at that topography in the transition to the house next door. Also, hopefully, the staff can address the transportation issue.

Councilmember Watlington said yes, so my comments are along the lines of what some of Ms. Eiselt was saying, really gets to this question about as we're planning, really sequencing and this whole idea of increasing density, but also investing in our infrastructure. I agree with what's been said that the urgency of now in regards to figuring those things out. I did want to understand a little bit more what was the difference between the analysis that the staff did that led to a recommendation versus the analysis that Chris Chotard did? Because based on what he's sharing, I feel like those are some of the same things that we look at from a staff perspective, but obviously leading to two different conclusions. I'd like to understand a little bit more, I guess, from Ms. Hull, what was the perspective of the staff and then as a follow up to that is I think about 160 for instance,

which is also in this key investment area from a congestion mitigation standpoint, can you compare and contrast this project with some of the things that we've seen on 160 that we know we're not recommending due to density?

Ms. Hull said I'll answer for C-DOT. So, in regards to the cumulative impacts, there are other roads that will be able to distribute the trips and so that all the trips will not land on Providence Road. And so I definitely understand the increase in trips across multiple rezonings, but we are getting connectivity with the construction of new roads. And so that's something to also take into consideration. This petition is entitled for a little bit over 200 daily trips as of today. And so the additional delta that they're requesting is a little bit more than 100 more daily vehicle trips added further rezoning. And so the p.m. and a.m. peak hour impacts are roughly about four or five additional cars adding to the peak areas.

Our assessment also required looking at safety measures and accident data at Providence Road and Alexander Road. So, we spent a lot of time just trying to see what are the movement patterns on Providence Road, what impacts may happen if you have pedestrians, people taking transit if you have motorists all trying to move at the same time. And so that was part of our recommendation of saying this is how you can uncouple some of the different modes. So, we spent some time working with the petitioner and the community members and just kind of looking at the analysis and some of the information that Mr. Chotard showed tonight.

Mr. Chotard said and if I could respond, Councilmember Watlington, I think Ms. Hull and Planning did an excellent job with the tools that they have.

Mayor Lyles said when the councilmembers direct a question to the staff, she'd have to redirect the question to you. So, my question would be, Ms. Watlington, would you like to hear from the opponent?

Ms. Watlington said yes.

Mr. Chotard said my apologies, Councilmember Watlington, I thought you had addressed it to both. I was just saying that I thought the staff did an outstanding job at C-DOT and Planning with the tools that they have. The way that I would measure an increase in traffic is a bit different than Ms. Hull's. It would be from the number of cars that are on the road today, not what may be there in the future, which is an incremental 300 trips, 100% onto Providence Road, and with respect to the GDP, perhaps one other slight difference is I understand the GDP matrix does support higher density. And that was what Mr. Pettine had referred to earlier, that it is within the eight. However, there is a constraint, the GDP of the consideration of whether the density will have a negative impact on the area. So, in this case, it does require some interpretation of the GDP and that's where we're not necessarily directing it to Planning or directing it to Council and the thousands of community members who are telling you our feedback.

Ms. Watlington said Mr. Hull, did you have anything?

Ms. Hull said I just want just to continue to commend all the work that that Mr. Chotard has done, and so the analysis was done by several engineers here at C-DOT, and then we also work very closely with the State and making sure what we provided in our report was reflective of our position on mitigating the impacts.

Mayor Lyles said I do want to reply because Ms. Eiselt asked the staff, when can we fix Providence Road? I think we're going to have to take that up. It's very hard when all of these roads look like ours because there are people, our residents driving on them. But I think that before we go there, we're probably going to have to do something with the State to say, is this something that we can do or is it possible or feasible? I want to make sure that we're pretty clear that we can't redesign Providence. We'd have to work with the state, DOT, and it's just a tough time when there's no money and no really good way to get in the queue for something like that, considering all the needs that the State has. So, we hope that the residents understand we are trying really hard to figure out mobility, and we would love to put more buses on the streets, more opportunities for other kinds of fixes that might help us out. But again, where we don't have the new buses, enough buses for our 15 minutes, and we don't have the ability to do a lot of the congestion traffic management as we hope. So, I just want to let the residents know we're trying really hard on mobility to figure out a way to move us around better.

Councilmember Winston said I just joined the chorus a little bit. I try to take a little bit of a different angle, but I did meet with both the petitioner and the community around this. My suggestion to both is to please continue working together to figure some things out because I think there's an ability to get to a commonsense agreement moving forward. We've already seen some work and hopefully, we just keep going further. With that said, some of the things that I told both the community as well as the petitioner it's really hard for you each to hold each other accountable for this traffic situation. This is something that you really need to be looking at us to handle. There's no solution that is going to be figured out with the developer's input on a property like this, but there could be some improvement. But if there is no development, nothing is going to change and nothing that's going to nothing is going to stay the same.

Staff, I would say one thing that I heard the community say that really does put them between a rock and a hard place, and it's hard for me as a Councilmember to hear constituents kind of complain like this in that, at one point in time, they're talking about congestion and traffic moving too slow and inabilities to kind of move in and out their properties, but at the same time, I was hearing from parents that traffic moves too fast around the times where their children are getting on and off the school bus. So, again, I encourage them to find ways to work with the petitioner to find perhaps is there a solution to help with that situation. But I think that this is something that we need to be attentive to try to, I don't know, work with both the petitioner and the community to see if that there's something that we can work to them with. I also agree with what Ms. Eiselt said. The community brought up some questions about runoff, stormwater, and the impacts of

changing the topography. I will also say that in meeting with the petitioner before I met with the community, that they did seem to be thinking about this and putting some real effort into the work. So, again, staff, I think this is where you come in, especially for us to help us think about as we make this decision. [inaudible] What are the potential impacts and what are the things that we might not be thinking about right now?

I did have a question about the bus stop. Again, I thought that this was something that could help with the speed and speed mitigation on Providence Road, but it also could greatly impact congestion. Can CATS talk about the potential placement of that bus stop? Is there any back of the curb space, any kind of like a pull in or is this entire lane going to be blocked when people get on and off the bus? I know I might have said three different departments there, but I'll turn it over to staff afterward.

Mayor Lyles said does C-DOT have any information from CATS or the Planning Department? We may have to come back on that one, Mr. Winston. I don't think we have an answer for that right now.

Ms. Hull said yes, we can put that in the follow-up report, Mayor and also Councilmember Winston if that's OK.

Councilmember Phipps said I have a question to Charlotte water. Are they in attendance on this meeting?

Mayor Lyles said they are not here so, we couldn't follow up with them. What's your question? Mr. Pettine will make sure that gets addressed.

Mr. Phipps said I wanted them to provide some context and assurance that if the existing eight-inch water distribution main along Providence and 12-inch water main along Alexander is sufficient given the increase in density from two houses on the site to the 45 so proposed. It's going to be a lot of flushing and brush and going on and I just want to know, is that infrastructure sufficient?

Councilmember Johnson said can we show Mr. Chotard's presentation. He had one of the slides that I don't know if it was the pros and cons, but I want to see the slide. One of the things he said is that I believe he said that they were 70 accidents at this intersection. I thought that he said it was a high-impact intersection, but Mr. MacVean said specifically that it was not. So, I wanted to ask our C-DOT department, Ms. Hull, or if she can define what qualifies as a high injury intersection.

Ms. Hull said for clarification, the intersection is not at of High Injury Network, which means that there have been no fatalities or serious injuries within the last seven years. That's how we quantify a high injury area. If there are crashes or collisions, they could be because someone ran a red light or there could be some other things that happened, but that's how we were able to assess this area of not being at a high injury intersection.

Ms. Johnson said I want to ask Mr. Chotard a question. Can you give get a number of accidents you said have been at the intersection?

Mr. Chotard said yes, ma'am, I believe that slide was up and it was 76 over the past three years, is that right Ms. Hull? I'm flipping to it myself. Seventy-three, I'm sorry, which when you compare it, I know everything's in proportion to something else, but we did compare it to the nearest seven or eight intersections. So, for example, Arboretum and Providence Road, 56, Providence Road/Alexandra Road, 73. It is F-rated at rush hour. It does back up well beyond the intersection. So, it is absolutely an issue and another thing that we haven't touched on is the driveway stem, which is a private road. So, there will be no control from Ms. Hull or C-DOT to enforce traffic signs there. I Councilmember Winston had an excellent question as well about the bus stops.

Ms. Johnson said Ms. Hull, can you clarify that. So, if there were one fatality or two serious injuries, then it would be qualified as a high injury network, but there are 73 accidents? So, can you help me understand that, please?

Ms. Hull said yes, and I'm more than happy to put more information in a follow-up report, but just to kind of assess it a little bit. So, rear ends also are considered and so once again, it's basically just how people are moving through the intersection, and that's one reason why we decided not to have an access point on Alexander because of all the movement issues that were happening at that intersection and the site distance issues on Alexander Road. So, were very clear of how the site engineering and how the entrances should function, and so the number of accidents, and so every intersection has accident data. That kind of just tells you what is happening. We actually have screenshots of what that looks like when the accident does happen and so we're able to assure that no fatalities and no serious injuries were happening at that intersection.

Ms. Johnson said though it's 73 in three years. Is that pretty significant in comparison to other intersections?

Ms. Hull said I would have to look and see what other intersections in the average and see what that is and provide a follow-up report with that if that's okay.

Ms. Johnson said okay, thank you. Then lastly, I just want to say with the other Councilmembers have said as far as the infrastructure not keeping up with the development. I said the same thing about Sugarcreek and Ms. Watlington talks about 160 and Providence Road. I just want to just remind my colleagues that we are the ones that are making the decisions to continue to approve these. This growth is not happening upon us. So, we're apologizing that we don't have the infrastructure that schools are overcrowded, but with all these unintended consequences. We have the ability I would think as Councilmember to control some of that. I just wanted to say that.

Councilmember Ajmera said my questions are around the difference between 40 and 45 and the height that was addressed by Mr. Briggs. I'll work with Mr. Driggs on this

petition. But I hope over the next couple of weeks the petitioner and the neighborhood works together to build consensus and works with Mr. Driggs closely

Councilmember Bokhari said we've been having the same conversation for several years, many years. I think the punch line here is no one's coming to save us. No one's coming to save us. No one's coming to save something with this magical solution, the Providence Corridor, or any of the other, over 25% across our entire City major intersections that are in a failing grade from a volume to capacity ratio. We are not going to have some magical rail solution, particularly here, but anywhere, to be honest, that's going to substantially move people in a way where it solves congestion. We're not going to widen Providence Road to any material level that's going to solve it. Unless we come up with something and again, we're also not going to have anything in this current 2040 Comp Plan that remotely addresses it, so we're sitting here having the same conversations. It's just overly frustrating to me because we continue to ask and plead with the staff. To be honest, we need disruptive innovations here that are going to solve things like this because we're not going to pave or plan our way out of it right now. When we think about policy statements and where we are, we can either approve more density, which is arguably something with a scalpel, obviously, that we need to do, but it creates the same challenges that folks like Mr. Chotard and others are bringing to our doorstep or we can stop. That will ultimately push it out along Providence and other corridors and we just replace one problem with another, which is sprawl, and the same choke points happen in the same congestion happens. So, we have to come to a solution. I think the punch line of the point I want to relay and hope the staff hears me, but I hope the staff engages with us as we start innovating is it's not widening, it's not rail, and it's not our current plan or coming plan that's in place that's going to solve this for us. We have to think innovatively and disruptively for how people are going to move 10, 20, and 30 years from now and solve for it. And in the interim, we have to make a decision, are we going to one-off kind of cherry-pick and say which one of these proposals we like and don't like from developers? In this case, I use the simple mantra. If they at least at a minimum, mitigate the per trip impacts that they're bringing to the table and make some kind of improvement to the betterment, well, they've solved the problem they've brought to the table and it's just our problem that's left. And that's okay. If we're moving past that, I think we have to, again, say, all right, because it's either a moratorium on development, on congested intersections and corridors in the City, or it's some kind of way where builders and developers can keep doing what they're doing while we solve these problems. So, I am doing work in attempting to find solutions. I'm in the process of trying to engage the Boring company to come and see things like tunneling. We have some ideas on the first-ever tunnel underpasses under our most congested intersections that I'm talking with C-DOT about, as well as the Boring company and others. This is the kind of things that we have to think about and infuse into disruptive innovations into our approach, or we're just going to keep having the same conversation over and over again because nothing's coming to save us. So, I hope we all remember and stay consistent that we can't put our problems at the doorstep of developers as long as they are in good faith, mitigating at least the impacts they're making. As long as this continues on, it's a failure of us to solve for these things in the approaches that we're taking.

Mayor Lyles said it reminds me of the Boston Big Dig. They had no place else to go. Nothing else that they could possibly do. If we're not going to have a city that's growing and how do we manage what we have? I'm not sure that we can even stop growth as you say. There are consequences for everything. So, when we're doing this, it's really a question of our ability to see and understand what our choices are. I appreciate the way that you look at it, but I tell you, the biggest choice that you have is to pay for it. That decision has to be made by people willing to invest not just today, but 10, 20, 30 years out. Until you can look at disruption methodologies, all that you want, but until it actually gets real in terms of how are you going to buy it or pay for it, then that's when people begin to bring you real solutions to the table and right now, we don't have that. It's not like we can go out and say, I want a great vacation, but I only want to go and spend, two dollars, that's what we talk about a lot. We want a great city, but right now we're not willing to spend the money that's going to be necessary to build a great city. Then the final thing I would say is that we only build this in a way that helps the region grow because as you say, I mean, Providence Road is the gateway to Union County. And so how do we deal with that? And it's just very, very difficult unless we get serious about it, so great appreciation.

Thank you for a great start for the site. I think it's really been a good discussion for everyone as well as for both the petitioner and the opponents. I think you handled your arguments so well that you've given us a lot to think about. Maybe we won't be able to get to the place that we can do something about it, but I want to say I appreciate the way that you have addressed each other and made this possible to happen.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Doyle George, kdoylegeorge@gmail.com

Gwen Marseille, gwen.marseille@gmail.com

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ITEM NO. 23: HEARING ON PETITION NO. 2020-190 BY NORTHWOOD RAVIN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ALONG THE WEST SIDE OF SOUTH KINGS DRIVE, EAST OF KENILWORTH AVENUE, AND SOUTH OF CHARLOTTETOWN AVENUE FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Lyles declared the hearing open.

David Pettine, Planning said 1.3 acres South King's Drive, the Metropolitan mixed-Use Center. The current zoning, as mentioned, is MUDD-O. The proposed zoning with this petition is to do a site plan amendment to the original MUDD-O zoning, and so we have a site plan amendment. This is from the Midtown Moorhead Cherry Plan, which was adopted in 2012. That plan recommends office and residential as amended by Petition 2014-030, which established the project that we now see out there on Metropolitan Avenue. The proposal for the site plan amendment is to allow up to 330 multifamily dwellings, which would be allowed in the district illustrates other changes as a result of the site planning amendment in order to accommodate the proposed development, including some potential removal of Landscape Island lighting near the roundabout also adds that architectural lighting to be allowed on the building facade. Those would be the major changes from the original site plan approved obviously, like I said, 330 multifamily dwelling units is the big change from the original. I think it was 175 hotel rooms that would have been in the building on this part of the project.

The staff does recommend approval of this petition. We do some outstanding issues related to transportation and site-building design to work through. As mentioned, it is consistent with the Midtown Morehead Cherry Area Plan with that residential and office land use recommendation that was amended through that 2014 rezoning that established the Metropolitan Project. So, with that, I would turn it over to the project team and we'll take any questions following their presentation.

Collin Brown, 1420 East 7th Street Suite 100 said with Alexander Ricks on behalf of the petitioner. Good overview from Dave. I think it's pretty straightforward. As Dave mentioned this is the Metropolitan. This is, I guess, the last undeveloped parcel of that project, just over one acre. There is a look at it from King's Drive. This Council and maybe Mr. Phipps, you were on when this came through six, seven years ago.

Councilmember Phipps said I was.

Mr. Brown said a rezoning approved for this is parcel D, and so the current zoning, to be clear, the current zoning allows that there's some transfers that were allowed. But today a developer could build 180 multifamily units and 150 hotel rooms. So, that's 330 total once you count the apartments, you're the multifamily and the hotel rooms. That building could be up to 285. So, that was approved years ago. That's what's approved now. As you probably all know, no one is building hotels in this market. So, the question, Northwood, my client has recently purchased the rest of this portion of the Metropolitan. So, they own the offices, the retail there, and they thought it would make a lot of sense for their investment if they bought this parcel two, developed it together. They obviously have a common interest in improving all of that. So, now the same developer that owns the rest of the Metropolitan owns this. There is no demand for those hotel units. So, the request is to convert instead of building hotel units that they are allowed to build residential units instead, not increasing height, not increasing the total number, just going from hotel

units to residential units. So, that is the only change for not changing height. We're not backing off on the design standards and the same commitments to the park. We think this is a great site for that. So, you all did not approve this, that obviously we could not convert those hotel units. Someone could build 118 multifamily units tomorrow. It would probably look like every other 180 unit, five-story [inaudible] apartment we've had. We think this is a fantastic location, as you all are struggling about where does density go? This is a great location. New rooftops. There's that retail which needs it. There are three parks within walking distance. You've got the greenway. That's the best greenways in the City. It links directly to Atrium, the largest employer in Mecklenburg County. So, you're within walking distance to employment, grocery. I don't mean a long walk. I mean, you go downstairs and you're there. Also, if they're able to invest in this, this would allow, I think, everyone's least favorite parking deck in the City of Charlotte everyone knows is right there. This type of investment, this deal would allow them to do some greater investment in that to bring that retail along. That site has been sitting currently vacant for the last time. So, we think this is a great parcel for that.

Mayor Lyles said Mr. Driggs and I were on Council at this time and I the discussion being not that it was really good to have 330 apartment units. I think the question was that the apartment unit size and the people that were at that time living next door were feeling like at least with the hotel, not every room would be filled every night. So, it wasn't ever envisioned if I if my recall is correct, Mr. Phipps. I don't know Mr. Driggs, I thought maybe. But I remember the thing was based on 155 apartment units, how many people would be living there, moving around the property at the time and the hotel room was never anticipated to be full 365 out of the year with people there. I thought there was a complete design for the front of the hotel that would alleviate some of the traffic and how people would come in and out. Not to say that's a bad thing. I'm just saying that when the decision was made, it wasn't like, well, you can just trade off a hotel room for an apartment. I don't know how that translates in terms of this, but 300 daily trips, for 330 units is a little bit different than trips for 150 apartments and then hotel rooms being separate. I haven't seen how this works. The other thing about this, just as a reminder, because this really helps us in the conversations we're having, that property got that number of rooms because the apartments that were to be built on the site where the Target is weren't built, and when acquired all of the rights to that to build the number of units for that MUDD, got pushed on the size of this parcel? I mean, it was really a big decision and the hotel was considered, I think, the best because the apartments that were supposed to be built over by the Target and Wendy's and all that those units were supposed to go over there. But when the person acquired it, they got the rights to Build and that's how we get to where we are. It just shows you that some of these decisions are long-lasting and just wanted to make sure the decision was not made for the apartments. They would have liked to have had the apartments then and that wasn't the decision that was supported in my recollection.

Councilmember Eiselt said I think you've kind of addressed some of my questions. Honestly, I just wish you guys would leave it green. I realize that's not a choice we have,

but. It's a heavily pedestrian-activated area. It's just too bad to see that little parking garage with apartments.

Mayor Lyles said that's a tough go.

Councilmember Egleston said with what Ms. Eiselt just said, I've got a couple of comments, but Collin pull back up the site plan, please. It's not taking away the entirety of that part.

Mr. Brown said the park is over here. The park that people frequent here, is aerial.

Mr. Egleston said this lot that you're developing is not part of a park. It's literally just a grass field that doesn't actually have utilization.

Mayor Lyles said right. T

Mr. Brown said that's correct.

Mr. Egleston said okay, so I want to clear that up because there is a small Midtown Park to the left as you view this slide. It's over here. You can kind of see, I think, a little bit of a shade structure. The gold star, the park is beneath the Gold Star, so this is not something that other than people kind of maybe wandering their dogs over there when they walk them, but they're still the park and still the greenway. I spend a decent amount of time in that area. My district and I have hardly if ever seen anyone standing on this parcel. But I think, particularly at a time when the City we're considering adopting a plan that envisions significantly more density in our City. I can't think of a place where density makes more sense than three blocks from our Gold Line Streetcar that's about to come online. Three steps from the greenway and literally in the shadow of uptown. So, to me, the density piece, if it doesn't make sense here, that it doesn't make sense hardly anywhere. And the only real concerns I've heard from folks in that Metropolitan community have been around the height, which, as we said, was already approved. So, the heights is approved. this is just a change of use because of a need to pivot due to COVID. There has been a lot of retail that's closed there, several eating and drinking establishments have closed there, several retail outlets have closed there. So as nice of development as the Metropolitan is, it has not had the density to support the retail that is a key part of that project. So, to me, this strengthens the retail presence there and the viability of retail and food and beverage establishments. It puts more people on the greenways and puts more people on the Streetcar. I think it makes sense and had the height not been approved already, we could maybe have a debate around that. Since it has been that to me would be the only debatable point. I think this seems appropriate

Councilmember Phipps said I can recall part of the discussion with this petition back in the day was people were upset that their view of the skyline would be obstructed with the additional construction on this parcel. Apart from that, I recall back in 2005 and talking to Mr. Pappas at the time, I broached it up, even then, the possibility of having some

affordable units in the Metropolitan. Since this proposal calls for increasing the number of apartment units there, I read in the minutes where there still no desire or no inclination to include any type of affordable units within this mix at the Metropolitan. So, I mean, I guess I just bring that up. This affordability thing has been going on quite a while, even back 15 years ago or so ago.

Councilmember Driggs said my recollection of the conversation back then is similar to yours. I'm not sure if we got the exact breakdown on traffic. Of course, it was a different context then. But what I see in this current proposal is that the by-right track trips are about 2,300 and the hotel trips would be 1,800. So, it looks like compared to what was previously approved in terms of traffic, this might actually be an improvement. My recollection of the conversation we had then was that the height was considered breathtaking at the time and there was a lot of discussion about whether that height was appropriate at that location. But again, that's kind of a done deal. I guess I'm interested to know from the staff, am I reading this right, that if the tandem of apartments and hotel had been built, that would be a 2,400 trip event and this is a 1,800 trip solution? Is that correct?

Ms. Hull said.

Mr. Driggs said so, in traffic terms, we're ahead of what we approved then, and I think there's a case to be made for being sensitive to the realities of the market as well. If we hold out for what we've approved way back then under current conditions, we're probably out of step with the commercial reality. So, I mean, I need to study this further and I'll have some other questions outside the meeting. But my first reaction would be to be sympathetic to it.

Councilmember Ajmera said from looking at this plan I support this. It looks better than what was originally approved to Mr. Driggs's point in terms of traffic and even in terms of trying to have more development closer to greenways and cars and so on. So, I don't have any questions here. Though I'm not clear on some of the details and I'll reach out to Mr. Brown about some of those questions, but from what I see, I actually support this.

Mayor Lyles said I didn't intend by telling the story, imply that it's not something worthy of support. It was just the history of what had happened. But I do want to say this, that we just finished talking about disruption. If you'll remember if you're next to a greenway, the question for me would be, are there opportunities to build places where people could have bikes or not have a car at all? And are we willing to go with something like that? This isn't on the developer. The question that I would have is that something that we could say there doesn't have to be as many cars in this apartment complex because it is in close proximity to grocery stores. It's a five-minute neighborhood, not a ten-minute neighborhood. We have the ability to make utilization of our greenway. So, I was just saying that this is history. What I worry more about is that many of us go down there and I know it says that the traffic trips or whatever, but 1800 trips, if everybody's coming in from eight to five or on a schedule like that and that intersection of Midtown and cutting

through the Midtown, I don't know what improvements Northwood Raven has for this, but I certainly know that bridge I see people fly through that King's Drive pedestrian crossing all the time. It's a route that I take sometimes going home. So, I'm just wondering if there is some opportunities to really look at this because it is so much of an urban environment. What could be possibly done that would not create even 800 trips a day at 330, but perhaps make it a walkable community because I can't imagine what's going on with the location across the street that that is going to be any more than just building the congestion that we're talking about on Providence Road when you look at streets coming around that property right now. So, I would encourage us to try to think through disruptive. I'm don't like being disruptive, but collaborative opportunities to actually reduce the amount of vehicle storage that we have to build on something like this. So, it's just my thought and I'm not going to say anything else about it.

Councilmember Johnson said Those were great points Mayor, thank you. Speaking of disruptive and innovative, I would concur with what Councilmember Phipps said. When I envision the Comprehensive Plan and the 10-minute neighborhoods and close to retail and close to in transportation and greenway, that's where I thought that our goal was to increase the affordable workforce housing. So, that this seems like what we say that we are working toward. I would just add that. I think this would be a great location and if this developer doesn't do that, I don't know if the City has some other opportunities. But this is when we hear about the comprehensive plan. This is the exact area that I would think that we would really encourage workforce housing because it is close to transportation and to the grocery store and just removes the barriers for so many trying to move up the economic ladder.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

The Cherry Community Organization, cherrycommorg1977@gmail.com

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ITEM NO. 24: HEARING ON PETITION NO. 2020-195 BY SMITH SOUTHEAST DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.9 ACRES LOCATED ALONG THE SOUTH SIDE OF REA ROAD, EAST OF COLONY ROAD, AND WEST OF STOURTON LANE FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said just under three acres on the Rea Road. Currently zoned B-1 conditional and is proposed zoned for UR-2 conditional. The South District Plan recommends the single-family homes, the three units per acre for the site. Again, with that district plan being from 1993, we applied the general development policies which do support the density that's being requested, which is about 8.9 dwelling units per acre for this project. The project is proposing up to 26 single-family attached dwellings. Next, the building height here would be 45 feet. We do have architectural standards being proposed that would relate to building materials, raised entrances, pitched roofs, and other items. Provides a 20-foot landscape area around the perimeter of the site planet to a Class C buffer. That would be the standard for abutting the single-family residential uses. Also, an eight-foot planning strip and six-foot sidewalk would be constructed along the site's frontage Rea Road.

As mentioned the staff does recommend approval of this petition. We do have some outstanding issues related to the site and building design, and transportation, environment, and some technical provisions to be addressed. The petition isn't consistent with the South District area plan, but it is consistent with the general development policies, which do support the requested density of 8.9 dwelling units per acre. The staff will be happy to take any questions following presentations by both parties

Collin Brown, 1420 East 7th Street Suite 100 said again on behalf of the Petitioner Smith Southeast Development. On the heels of the robust discussion of the Providence Road townhome rezoning just a few hours earlier, I do want to draw some distinctions between this site and that one. Though Providence Road is that direction of Rea Road. So, here we have just under a three-acre site. It has been used for commercial purposes for several decades, was a commercial nursery. Virtually the entirety of the site was used for those purposes. Additionally, as we talk, it's certainly not the Metropolitan as we talk about our five and, 10-minute neighborhoods directly across the street here. Literally, right across the street, this is the Harris Teeter anchored shopping center. So, this is walkable to grocery, walkable to food and beverage, a lot of walkable amenities. In addition, in the other direction, we've got some schools that are pretty proximally located. So, very well located. Also adjacent to the site we have multifamily attached housing at this location than behind the teeter center and kind of off my map, but on Dave's map, there's a good amount of townhomes. So, really looking at an infill opportunity here. Three acres of infill development and have been working on a plan for this site for some time. There's a look at the property from Rea Road. Some of the things we'll be talking about are streetscape improvements. You can see this nursery has been there for many years. No curb, no gutter, no sidewalks. And so this plan will provide those as an enhancement.

You can see a little bit of the townhomes that were recently built next door. So, again the property is currently zoned B-1 CD. So, it's got commercial zoning. It's got a very detailed site that only allows this nursery use, but we would be rezoning from that commercial zoning down to a UR-2. So, I do think that's down zoning from a traffic perspective. We're also going for fewer trips from the commercial zoning to residential. Also not having the big trucks that were coming in for deliveries and also no skid steers and other [inaudible]

running around on the site. So, I think there is a step down in intensity. Others may disagree with that, but that gives you a little bit of perspective from what's going on out there.

This is the second rezoning petition that I've worked on this site in the past year. You all may recall a very hotly discussed rezoning on this very parcel in the early part of 2020. Looking at the site, I know that the conversations we always have in South Charlotte in this area are concerns about traffic and school impact. So, that rezoning that we proposed last year, we initially opposed a self-storage proposal on the site because we knew that would generate very few trips, have no school impact, and we could actually have big buffers and a lot of green space. There was resounding feedback from the community that they did not want self-storage use. They did not want commercial use of South or Rea Road and really wanted the development of this parcel to be residential in character. I think there was generally an acknowledgment that if this property were developed as residential, it would probably not be single-family residential on this infill site. So, here we are several months later with a new rezoning, the one that you're looking at here for attached housing on the site. This is the initial site plan, which included 28 townhomes. We do have residential uses around the site. At this location here we've got multiple townhomes like us, but then we have single-family homes in this location, and in this location. Frankly, we've had a lot of conversations with the neighbors. There are concerns about this use in their backyard. So, we've had a lot of conversations about proximity, heights, design. This was our original plan with 28 townhomes. The area where we are closest to some adjoining properties were in this location here. So, this was our initial plan that we came to the neighborhood with. We held at least three meetings on the original storage rezoning since then because there was so much community involvement. I think this team has really gone above and beyond on outreach to the neighbors. I know, and I certainly don't think we've satisfied everyone or maybe anyone, but we've done a lot. We started in November with some introductory meetings with the neighbors to let them know that were coming. We did a broader outreach meeting in mid-November. We did on-site meetings where we walked the property with the neighbors in December. Held our official community meeting in January and then had a follow-up in February and have had multiple conferences with the neighbors. I hope there will be an acknowledgment from some of the speakers that that progress has been made. Again, I don't think that we made all the people happy, but I hope that they'll acknowledge an evolution. So, based on that feedback, the revised plan that we're bringing to you for hearing tonight, we reduced the number of units from 28 to 26. We've removed the dumpster location. This would have rolled out. However, the staff may very well tell us we've got to show a dumpster location in any event.

We've located and shifted our units away. It's a tight site and we've got neighbors on three sides. So, Mr. Acken, a residence is here. You may hear from him this evening. We shifted our buildings away from them a little bit, turned it, so he's not looking at the side of the building. We've added the pedestrian refuge at Rea Road. So, you can see here that we are getting some improvements. There will be a left turn lane to serve this development and the pet refuge not only for our folks but for the neighbors so they can get safely,

hopefully, from our side of the road to the Harris Teeter Center to make this more walkable. There's a look at that location here. Another item you may hear about we've talked a lot about is this site, even though it was a nursery, it was pretty much impervious. And the commercial nursery was developed for the City of Charlotte or Mecklenburg County had any requirements for stormwater treatment. So, it is virtually impervious. The entire site is now virtually impervious and there are no stormwater ponds. So, all that stormwater [inaudible] flows there to probably Mr. Acken's and his neighbor's backyard. So, that's a major concern for the neighbors. I think those concerns are real. The new plan, obviously, we would meet [inaudible]. So, we're talking about having water quality, being on-site. You can see them here. We've also had conversations with neighbors. It's our understanding there is [inaudible] on if you have technical questions. But there is an understanding that there is a City stormwater line in this area. And one option, if we can work with the neighbors, would be to pipe our stormwater from our ponds to the City outfall and really solve that problem. So, we've committed to work on those issues if the neighbors will work with us on that. The other conversation that we talked a lot about is, hey, what am I going to see from my backyard? And though it has been a commercial nursery, I think know they're not getting the bright lights at night. But we are developing residences here. There will be buildings where there are not as many buildings now. And so conversations with the neighbors are ongoing with the development team and the neighbors showing here a proposed landscape exhibit.

This has been sent to the neighbors, but this is we did not show this in our most recent community meetings, really showing some enhanced plantings to give screening to Mr. Acken and some others. Here's a cross-section. So, you can see the proposal would be an eight-foot fence at the property line, then with evergreen shrubs, arbitrary and evergreen trees to give a vegetative wall in addition to the eight-foot wall. And this is a look at the landscape exhibit. So, this is a comparison between the two. This is where we started. This is the current plan. Again, you can see how these units in this location. These two units went away entirely. These units shifted misdirection to try to give Mr. Acken a little bit more room and separation and give us a little bit more area to screen and landscape that. This is a look at it placed on the site plan. To me I don't think it looks dramatically different from the more recent townhome development, just, I guess, North and East of the site here, just a little bit larger scale. But again, this look gives you a good view of the proximity to that neighborhood shopping center, which is now conveniently located, and [inaudible] islands will be more accessible as well as the sidewalk improvements that we will be doing to connect to some of the existing sidewalk infrastructures.

Allen Acken, 7212 Rea Croft Drive said I'm representing myself and my neighbors in the Canterbury neighborhood bordering the proposed townhome development. My aim with this brief presentation is to express our concerns over the proposed development and to request the committee's consideration of our suggested changes to the site plan submitted by the petitioner. So, I understand there's a strong economic incentive to build these kinds of high-depth density townhome developments, resulting in the placement of units as well as roads and driveways close to the property lines with adjacent

homeowners. This one is no different. However, the impact to the surrounding homeowners should be carefully considered. The zoning represents a significant change. The proposed UR-2 conditional zoning itself contains very few specifics, leaving the setback and buffer requirements undefined. As such, the Charlotte Planning Department decides what is acceptable in a case-by-case basis. This means that if the petitioner meets the guidance set by the Planning Department, there's no one set up for the petitioner to address the concerns of the affected property owners.

My neighbors and I had several concerns with the proposed development, which we have expressed to the petitioner and summarize here. First and foremost, the proposed townhomes cul-de-sac and driveway will be located extremely close to the property line and will result in a loss of privacy. The current D-1 conditional zoning requires structures to be placed not within 50 feet of the property line and requires a buffer that ranges from a minimum of 20 feet to 40 feet or more. The proposed zoning and site plan will place structures 30 feet from the property line and the cul-de-sac and driveway shown here will be only 20 feet off the property line.

In addition, the elevation of the parcel is approximately 10 to 15 feet higher than the Canterbury homes, where the cul-de-sac in the last few units are located, meaning the townhomes will tower over the Canterbury neighbors and car headlights would be directed into our backyards and into our bedrooms at night. We also have concerns about traffic, noise, and the safety of young children playing in these backyards. Lastly, we have concerns about exterior lights on the townhomes and streetlights, and we would like to avoid as much light pollution as practical.

To help address these concerns, we have asked the petitioner to construct an eight-foot-high, not wood solid barrier constructed of brick or similar materials running the length of the Canterbury property line and installed on the townhome side of the 20-foot buffer. This barrier will block some noise and light, particularly car headlights. It will also provide some level of privacy and security for the Canterbury residents. Here's a profile of [inaudible] of the same proposed barrier. Note the elevation difference and the relative height of the structure. Also, see how close the proposed townhome is to the property line in comparison to the single-family homes shown here. The three-story townhomes about 35 feet from the property line, while the two-story home is about 48 feet from the property line, taking the elevation difference into account, the height of the single-family homes, about half the height of the townhome. It's important that the proposed barrier be placed on the townhome side of the buffer because of the elevation difference. It will block more noise and light at the higher elevation. By the way, if you look at this and the 15 foot, their driveway will actually be right up against that eight-foot barrier.

So, prior to making your final decision, please consider the impact this rezoning will have on the neighboring properties with single-family homes. This development actually will have almost nine units per acre. The petitioner did eliminate two small units. However, more revisions are needed to the site plan. To be clear, we would very much prefer that the petitioner reduce the number of units and provide more reasonable setbacks for

roads, driveways, and structures. If we follow the ratio proposed by one of the other petitions I heard tonight, 2020-103 rezoning petition, which has 7.6 units per acre, the number of units for this development would change from 26 to 22. A more reasonable density for this site and actually more than I was requesting from the petitioner, which was to eliminate only two units at the end of the 12. However, unless the petitioner reduces the number of units and provides greater set back the property line with our neighborhood, we are making the following request: do not approve the rezoning petition without requiring an eight-foot-high non-wood barrier, solid barrier constructed brick, or similar materials running the length of the Canterbury property line and installed on the townhome side of the buffer.

In rebuttal, Mr. Brown said thank you to Mr. Acken for his comments. I can just say we've come a long way from the initial conversations that I had on this site. One with the storage plan and then this plan. I think we again have since updated and agreed. We're showing a wood fence along the property line. They're asking for a non-wood fence, which I assume is brick, but we could talk with them about the materials and location of that fence. Thanks to Mr. Acken and the neighbors for continuing to work with us. I know this has been something they've put a lot of time into. We'll continue working with them and hopefully be back to you next month with a proposal.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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ITEM NO. 26: HEARING ON PETITION NO. 2020-200 BY ELMINGTON CAPITAL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.862 ACRES LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD, THE WEST SIDE OF BEECH NUT ROAD, AND EAST OF CLANTON ROAD FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declare the hearing open.

David Pettine, Planning said about 8.8 acres are located on the South side of West Boulevard. It's on the West side of Beech Nut Road and also East of the Clanton Road intersection. The current zoning, as mentioned, is R-22 multifamily. The proposed zoning is for UR-2 conditional. The Central District Plan, which was adopted in 93, recommends multifamily residential. There is no specified density for the majority of the parcel. There is a small area on the far West side of the parcel that was recommended for institutional uses. But overall, the plan does recommend multifamily. We do run GDP still with the District Plan. The petition does meet the general guidance for criteria over 17 dwelling units per acre. So again, this would be consistent with the GDP. This proposal is for 200 multifamily residential dwelling units and no more than four structures. All units being proposed would be affordable units ranging from 30% to 80% AMI for a period of 30 years.

Transportation improvements would include an eight-foot planning strip, an eight-foot sidewalk along West Boulevard, as well as an internal sidewalk network. Also commits to some architectural standards throughout the project for the different buildings and provides a community room, picnic area, outdoor seating, and playground within the project.

The staff does not recommend approval of this petition in its current form. We do have quite a few significant outstanding issues related to transportation, that site, and building design to continue to work through. I give you just a little bit of background quickly on the petition. They have had some other areas of this property zoned R-4. That was also part of the project. They worked with the community to remove that part of the petition and therefore they only had one opportunity to submit a revised plan to us. We are trying to accommodate some timelines for some funding opportunities for this project to maintain the affordable components. So, we trying to continue to meet that timeline, and so the staff doesn't support the project in its current form, as I mentioned, because we do have just a host of issues that we need to work through. We feel confident we will be able to resolve those prior to the zoning committee. We don't have any real concerns with the project as a whole. It's just the amount of issues that need to be resolved rose to that level of not being able to support in the current form. So again, it is consistent with the Central District Plan for the majority of the project and as also consistent with the general development policy. So, with that, I'll turn it over to Mr. Brown and the petitioner's team, as well as the members of the community for their presentations. And we'll take any questions after.

Collin Brown, 1420 East 7th Street Suite 100 said on behalf of [inaudible] Capitol, Joe Horowitz is joining me tonight. You may hear from him if you have specific questions. We've had a lot of robust conversations in Councilmember Watlington has helped us connect and liaise with some of the community members. I think we've made a lot of progress. We've got a little bit more work to do, but I'm hopeful we've checked off any of the major items. Here's the location down West Boulevard. This is an area that is changing rapidly. Growth and gentrification are moving quickly from the South End area. They're leaving beeping over I-77 and coming in this direction. So, that's just a look at the area in general. As Dave mentioned, this is why I want to point out, when we filed this rezoning application and when we hosted our community meetings, all of this area was included in our rezoning. So, if you see this was the original notice and the main discussions we've had are these neighbors on Beech Nut that live in single-family homes, have been very concerned with the property behind them, which was zoned R-4. So, what I want to point out is, is one of the reasons we've got so many issues is what we did was we essentially took 30% of our rezoning out of our rezoning. So, this has been a major change, really that and I'll show you the feedback we got from the neighbors. But the neighbors really said, hey, this is Beech Nut. We envision this area of the property as a future phase of Revolution Park if you will and what they told us was there are some concerns about the level of affordability, but also some opportunities for homeowners and that being an important component as well. So, we talked a lot about this area that was existing R-4 and the neighborhood's vision that that would continue to be single-family

with home ownership opportunities. So, what this team has done, Elmington team, they remove that completely from our rezoning, reoriented our plan so that the plan I'll show you is now on this site, which is R-22. So, everything we're proposing now is within a zoning district that is already zoned for apartment multifamily development. Doing that kind of quickly on the fly, halfway through the rezoning process has slowed us down a bit and that's why we have some outstanding issues. But this is the initial rezoning plan that we submitted. Here is those properties on Beech Nut. We had a connection to Beech Nut. We had apartment buildings basically in their backyards.

Additionally, when we started the process, were talking about the affordability units ranging from 30% to 80%. The other feedback that we got from the neighborhood is, hey, we've got a lot of affordability in the neighborhood. We're interested in something more workforce level. So, what I'll show you next is our change to the rezoning plan in response to those comments. Here are the comments again, neighbors really saying looking for lower density adjacent to Beech Nut. They said in the initial meeting say we'd support some higher density by the school is already zoned for apartments, but we'd like home ownership, single-family next to Beech Nut. Concerns about the street connection to Beech Nut in the area next to Beech Nut, being seen as the next phase of Revolution Park and some opportunities there. So, here's our updated rezoning proposal. This is the area you remember had those buildings over there. We've taken them off the plan. We've reduced our units from 200 units. Now, that doesn't mean that this area will never be developed as councilmember Winston [inaudible]. I don't know which direction he's going, but the idea is there could be developed here in the future. I think what Councilmember Watlington is encouraging is that this development teamwork with the neighborhood to make sure this can be for sale opportunities. That's something that Joe Horowitz and the Elmington team are willing to do so that pushed us, so we now have all of our units. This is not the plan that we have chosen, but this is the neighborhood feedback. So, we still have 200 units adjacent to the school that can be affordable if we can move this through on the appropriate timeline. So, again, I think a pretty significant change here is the original plan connection to Beech Nut units here. We've basically shifted that to this side of the creek if you will. No connection here, reduce that unit count by 30 units. So, we're just higher. Dave might have to help me with my math. On the R-22 side, we're not asking for a very significant increase in the number of units. That area's already zoned. So that is the changes we've made.

We do have a number of comments we've gotten from the staff because we made that change fairly late in the game. We've got some work to do, but we're trying to stay on track to get state housing tax credits. That's why we've been moving quickly. So, we're very pleased that we've been able to get here tonight. We may hear some comments from the neighbors. I'll try to address them as best I can. Some of the concerns, I see Joe on, so I'm glad you're able to be here. There were pieces of the other property that ran between two houses. So, we had property owners saying, well what's going to happen between us and I think Horowitz's team has met with the neighbors as recently as Friday to have conversations, and let them know that we've changed gears entirely. We are not planning on rezoning in their backyard or to get density increases that can be used as a

buffer, but we're still able to achieve units in this area, which we think are much needed. Happy to answer questions you may have. Joe Horowitz is a real expert in affordability and can certainly talk you through some numbers and If you'd like to talk about the affordability ranges from these units. Councilmember Winston is backing me up here, the community asked us to consider the workforce level units that is not yet written into our zoning document, but we have told the neighbors that it would go in that direction. So, Joe, I will pause and see if you have any comments before we pause for other speakers.

Joe Horowitz, 118 16th Avenue South Suite 200, Nashville, TN said no, I thought you did a great job, Collin. I appreciate everyone giving us the opportunity to present this development and why don't we open it up to other speakers and I'll try to address any questions or comments from the group.

Hunter Moll, 2728 Cowles Road said hearing some of this feedback that they've just presented regarding the R-4 section staying the same, I guess that is a big concern for the community. So, if there was going to be some rezoning here in any way, I think everyone would like to see that in some sort of, I don't know, a contingency or something that says that that would have to stay the way. I think one of the fears that the community has and I'm speaking on behalf of several people in the neighborhood that's adjacent to Revolution Park, is that that area that's been left out would still be in the future rezoned for something different. That we would be in opposition against. Other than that, some of the issues with the plan were that when you look at the West Boulevard Corridor Playbook, that this project wasn't congruent with that. Specifically, we talk a lot about walkability and being able to reduce the amount of cars and things like that. T

here's a big opportunity today to connect with the school or the greenways. There's the YMCA over here. There's a lot of things in this area that we could promote connectivity and something we've addressed and haven't gotten the answer back on. Initially, we felt that plan, in general, didn't, keep in mind, the people in the area that was born just about kind of putting as many units as they could put in there. Some of that's been addressed, but we're still waiting on a few items in that regard. In general, the sentiment is that the area, in general, has had a lot of investment and affordable housing. We're actually way overrepresented in that area compared to other areas of Charlotte. We have very low homeownership rates. As we've seen homeownership increase in the area, we've also seen an increase to, I guess, just the area in general in terms of some of the shops that have just opened up on West Boulevard. There's a lot of new restaurants that are open there that wouldn't have happened. So, I guess we've tried this affordable multifamily planning in the past. It's really the only thing that's been a focus in this area and there's a lot of problems associated with that. There's a lot of crime. I mean, I don't think that's anything that is a surprise over in here, but we would like to see more home ownership opportunities in the area to help promote that. The West Boulevard, the plan that's in place, specifically addresses increasing the tax base and attracting private sector investment to grow jobs and businesses, revitalization, multimodal transportation, walkability. We didn't feel that was consistent. This was consistent with the plan that has been laid out by the City over several years, since 2007, I believe.

Sharon Howard, 2701 Beech Nut Road said thank you for allowing me a chance to speak. about the R-4, I just want to let that we want to reserve R-4 zonings in the West Boulevard corridor because we believe that that will lead to opportunities of home ownership, increase our income level so that we can get in line with your City's 2040 Plan and have those amenities that we do not currently have that you see in other parts of this City. Our number one, I would like to say thank you to the developers for scratching, for the record, I live on Beech Nut Road but thank you to the developers for eliminating the section directly that connects to our neighborhood. I know that there is going to be some kind of development, but we want to keep that as R-4. My opposition to the current plan and maybe this isn't an opposition, it's just that we requested to see more at the last meeting. We want to see the bike and pedestrian connectivity between the apartments and the neighborhood connecting to the greenway. We wanted to see the environmental impact. I don't know, because there's some wetlands in the back of that property. I'm not sure if your staff has it or not. We'd like to see that and how it would affect those wetlands. We requested to see the elevations of the building, the facade. We want to make sure that it is the same as the YMCA, Arbor Glen, the Renaissance and make sure that has the same elevation as some of the other buildings on West Boulevard. So, my thing is, if they can get show us those items, I mean, I would be in agreement with what's being done. But we just need to see that those conditions are being met.

In rebuttal, Mr. Brown said Of love to take two minutes and really thank the neighbors? Brett [inaudible] who's not on, was also instrumental in many of our meetings and kind of communicating to us clear priorities from the neighborhood. I know we can't make all the people happy all the time. But I think this results in a better plan. Frankly, this one thing the community said, hey, if you could leave, this is low density, we'd support higher density here. That I think is going to solve some problems for us. That takes some things off the table. Us, having to cross that creek, which would have been an environmental challenge, enabling us to stay out of the wetland. So, I think that's positive. I hope the neighbors understand. We're were scrambling. We had to rework our plan to accommodate it and that's one of the reasons we just don't have the elevation yet. But I know that Councilmember Watlington is expecting to have those before there's a vote on this. So, the Elmington team is working hard to put that together, continue coordinating with the neighborhood. The challenge I'm working on, the green way is very difficult seeing that we're crossing CMS properties. We have been in touch with CMS. We have an ongoing dialogue as Greenway connections and certainly happy to have ongoing conversations with the neighbors about the R-4. It's not in our rezoning now, the Elmington team has said and I deed restrictions can be a dirty word, but we're certainly willing to engage in the conversation with neighbors to put on some, there could be some private controls put in place that would give the neighbors some assurance going forward.

Councilmember Watlington said so first of all, thank you so very much Ms. Hunter and Ms. Sharon for showing up. I'm so proud of yall for coming today. I know it may be a small thing, but I'm so proud of you for showing up for your neighbor. I got a letter from the West Boulevard neighborhood coalition today summarizing much of what they've

already said. But I did want to make sure that I lifted it up on behalf of the coalition, and it is as follows.

The following letter was read:

West Boulevard Neighborhood Coalition opposes the rezoning of parcel 14510317 by Petitioner Elmington Capital on the basis of misalignments proposed development with the West Boulevard playbook and lack of finalized community benefits agreement. The West Boulevard corridor suffers from the historic preponderance of income, restricted multifamily housing developments and institutional housing use the historically impacts the corridor's ability to achieve housing and economic stability. The abundance of multifamily rental developments perpetuates a historical pattern of developing income, restricted multifamily institutional housing in the West Boulevard corridor without critical ownership opportunities that result in community wealth, building, and economic mobility for residents along the West Boulevard corridor. As such West Boulevard Neighborhood Coalition and the West Boulevard corridor residents are not anti-affordable housing. Yet we are anti-affordable housing that does not produce appreciable community benefits to substantially reduce gentrification and displacement throughout the corridor. As stand's this development is not in alignment with the significant efforts of the residents, the West Boulevard corridor, and City staff in 2018 and 2019 in the development of the West Boulevard Playbook and the desired place types and vision for our community.

Additionally, the WBNC opposes partition 202200 because the current project development plan lacks appreciable community benefit. Although negotiations are ongoing between the petitioner and the Revolution Part Neighborhood Association, these negotiations have not resulted in a formalized agreement that merits West Boulevard community support or the development. Community requests and subsequent negotiations have included in a high-level manner, a green way connection, detailed environmental impact studies, and abstaining from the rezoning of the R-4 side of the parcel. However, these negotiations have not resulted in a formalized and executed community benefits agreement that outlines the scope and execution of these community benefits between Petitioner and the Revolution Park Neighborhood Association and or West Boulevard Neighborhood Coalition.

Thank you for your consideration of this position. As WBNC continues to lift up the collective, holistic and sustainable viability of the West Boulevard corridor on behalf of Jordan Brooks Adams, Executive Director, and Ricky Hall, the Board Chair.

Ms. Watlington said so, with that, that will conclude our comments. I do want to say thanks to Britney and Colin and also to the Elmington Group, I know we are still working on this when you guys have been super responsive and agreeable to meet with the neighbors and ongoing discussion. We'll get there.

Councilmember Watlington said I just have a question for the petitioner. They said this version is significantly different because they're not building on the R-4 side. So I'm

wondering if they're still going to own the land and what is the future plan for that part of the development site? Then secondly, Collin, I believe you said you were working with the neighbors and clarify for me if I'm wrong, working with the neighbors because the neighbors wanted more workforce housing. However, if this is a tax credit, there are, according to my understanding, requirements for certain numbers and certain percentages of housing. The developer can't really alter that, according to my understanding. So, can you clarify those two points for me, please?

Mr. Horowitz said thank you, Councilmembers, and thank you for the question, Ms. Johnson. Yes, we will be owning the R-4 side of the property and we are not rezoning that side of the property. We are maintaining the R-4 nature of that side of the property that we will be owning and we intend to keep it as an R-4 development for the future. As it relates to the affordability of the project and the overall comments that we've heard, I feel like we are working to address all of those, to meet the community's needs. We are not asking for housing trust funds from the City, which would require that we have a certain percentage of the units at 30% of AMI. We are just using 4 % low-income housing tax credits and tax-exempt bonds issued by North Carolina Housing Finance Agency to finance the project. Therefore, we will be committing to a restriction of 50% to 70% AMI for a 30 year period, both on the income and rent level. So, it will be targeted to the workforce, which when we did one mile and a one and a half mile ring analysis of the site, we saw that the low end of our rents are in line with the current rents within the area and therefore are really working to preserve affordable housing in the area and to avoid displacement. When you look at a one and a half mile ring, you'll see that the high end of our rents are below. There is within that one and a half mile ring, which I think really speaks to the gentrification that is occurring in the area that some of the other folks here tonight have mentioned.

While we are not asking for housing trust funds, we did utilize the scoring method that the City and Housing and Neighborhood Services likes to use when evaluating a site. This site scores a 9.1 out of 10 on the change metric. The change metric is the metric that indicates areas that are at the highest risk of displacement and gentrification. So, we think that our current plan allows for affordable homeownership by preserving the R-4 zoning side. We think it does work to address displacement and address the gentrification that's happening in the area. To Ms. Howard's point, as Howard's been great with us, she's been extremely helpful. Just due to the great number of changes, we just haven't been able to provide each of the items that have been requested but have every intent to address those for Ms. Howard. Elevation's those types of things.

Councilmember Winston said Mr. Brown, can you elaborate on these deed restrictions that you mentioned and what purpose they might serve?

I know that it's dangerous ground, Mr. Winston, but were having conversations with the neighbors on the Beech Nut. Right. They're asking for assurances that this area would remain more single-family and homeownership in character. So, one of the things that Mr. Horowitz talked about is we've already taken it out of our rezonings. No question,

we're not rezoning it. However, I guess from the neighborhood's position what would prevent us from doing that in the future? So Mr. Horowitz said, hey, that's a conversation we can have with the neighbors. Would we want to put a private restriction in place that would privately regulate what can occur on those properties in the future? That would be one avenue.

Mr. Winston said okay, so to maintain single-family zoning and at deed restrictions to the land use?

Mr. Horowitz said Councilmember Winston, first off, we're not changing the zoning until the zoning changes, it would have to be single-family. So, already there are protections in place, but what we are offering to do is provide further protections to the families and property owners along with Beech Nut, if we can figure out a way to do that.

Mr. Winston said certainly, I definitely know how single-family zoning and deed restrictions work and how they collaborate over time to maintain characters of the neighborhood and other such descriptive terms. Could we pull up the slide of the original plan?

Mr. Horowitz said there were intermediate versions as well. It was a kind of an evolution to here.

Mr. Winston said so what I see the difference of these two plans are a couple of things that particularly stand out to me, it looks like the significant loss of trees. Not overall to the project. I understand that there is a tree save area between the single-family zoning and your property, but trees that are accessible to residents. Do you have a quantified amount of loss of usable trees to residents between the two proposals?

Mr. Horowitz said I don't. That's something we could probably get following this meeting, but we don't have it tonight.

Mr. Winston said It looks significant and that is concerning. It also looks like there is significantly more impervious land that surrounds, again, accessible to residents. Do you have any quantifiable data about changes to that between the two plants?

Mr. Horowitz said if we do the side by side and Paul Pennell, if you're on and know these answers feel free to chime in, certainly we shifted development from one side to the other.

Paul Pennell, 1213 West Morehead Street Suite 450 said Councilmember Winston, this is Paul Pennell from Urban Design Partners and we have to take a look at the trees that we've got on site. There is an existing patch of trees which is directly adjacent to the school, and it looks like approximately .8 acres of trees out there would be removed. But a significant portion of trees that are actually located within a stream area that's on-site would be protected within the post-construction buffer. Then also the trees, of course, within the R-4 area would be protected as well.

Mr. Winston said can you say that that that loss of trees again?

Mr. Pennell said it's approximately eight-tenths of an acre on-site.

Mr. Winston said almost an acre of trees lost between the two? Also, I see it looks like that this is going to significantly impact residents into larger buildings. It looks like three and four are probably the biggest. What would be the occupancy at least of units in those in those residences?

Mr. Horowitz said I think there's about 50 across each one.

Mr. Winston said okay. Was there any type of amenities space thought of in either one of these plans for residents to, I don't know, walk around, walk their dogs, take their kids to a playground? I understand that there's there is a school nearby, but I usually see some type of onsite amenities included a multi-family project like this. I know I don't see it on either one. Am I missing something?

Mr. Horowitz said there's absolutely many areas on this plan, but this plan is really no longer relevant, so we may as well look at the other plan. So, you can see there's an amenity area noted on this plan. There will be an outdoor playground. There will be outdoor benches, picnic areas. We are if agreeable to CMS, going to be connecting to the Erwin Creek Greenway. Also within the buildings, we'll have a community room, exercise room, a business center. So, we are providing both outdoor and indoor amenities to the residences at the development.

Mr. Winston said I think those are my questions. I tell you, I have concerns about this updated proposal. I don't know if the original proposal was the answer, but what I see here is updated proposal is exactly what I don't want to see, especially in an affordable housing situation. I see a property that is built around automobiles. That is what pops out first and foremost in this updated proposal. I see the creation of a heat island that will be marketed to people who often don't have much choice. That is part of what we are trying to get to, to provide equitable choice amongst on top of equitable pricing in housing.

This updated rezoning proposal, honestly, I know you're very limited what you can show. But from the implicit takes, this looks like all the worst things that we're trying to get away from when we look to providing different housing choices in a diverse price point housing in our communities. I have real concerns and I don't see how I can support something that looks like this moving forward. With that said, unless you would like to respond.

Mr. Horowitz said I'd love to speak to the transportation issue, Councilmember Winston. We are committing to developing a covered CATS bus shelter right in front of the project along West Boulevard. We are providing pedestrian walkways along West Boulevard in front of the parcels that we own. We're doing stormwater above ground ponds and below ground ponds and looking to create as many trees as we can within the R-22 site that

we're developing on, which is already approved for multifamily. Again, the post-construction bumpers that we're not touching in the creek will provide for a lot of trees save. There's a lot of slope on the site that will also help as well. So, I understand your concerns. I appreciate you sharing them, but we are actually trying to address each one of those.

Mr. Brown said Councilmember Winston, the parking you're not wrong. The Urban Design staff had the same comments. The challenge is that to qualify for tax credits, these developments have to be parked at a parking ratio that the [inaudible] would like.

Mr. Horowitz said absolutely, that's a good point Collin, thank you. It's 1.75 is required, by NC [inaudible].

Mr. Winston said I understand that. I imagine that the first proposal incorporated at and I would just say implicitly, it looked like that first proposal was much more pedestrian centric, at least allowed for a more pedestrian-friendly living situation, where this one absolutely does. This looks like that this is a development made for cars and not for people.

Councilmember Ajmera said first, let me thank the developer for incorporating changes based on the community's feedback. I will be supporting this development. It addresses our affordable housing goal and it addresses some of our transportation infrastructure improvements. I like what I see here. So, I'll be supporting this.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Brett Tempest, bqtempest@gmail.com

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ITEM NO. 27: HEARING ON PETITION NO. 2020-141 BY FLAGSHIP HEALTHCARE PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.55 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF COLONIAL AVENUE, ALONG THE WEST SIDE OF VAIL AVENUE, AND THE NORTHEAST SIDE OF RANDOLPH ROAD FROM O-2 (OFFICE) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said is about one and a half acres of North Colonial Vail Avenue, Randolph Road in the Elizabeth community. The current zoning is O-2. The proposed zoning is MUDD conditional and the Elizabeth Area Plan does recommend office on the subject parcel. The proposal with this petition is for up to 117,000 square feet of general and medical offices and related use is allowed in the MUDD district. It doesn't limit building height to 95 feet, also committed to multiple transportation improvements like things for installation of an ADA curb ramp, a foot sidewalk, and planning strip along Randolph Road, North Colonial, and Vail Avenues. Also, monetary contribution to the pedestrian program for pedestrian improvements in the area or installation of enhanced pet improvements if accepted by the City. Also, there'd be an additional \$50,000 toward the PED Program for installation of the currently planned traffic signal at Randolph and Colonial. We also have commitments to multiple architectural standards, including minimum levels of the ground floor and upper floor, transparency, limitations on blank walls, parking deck screening, and also urban open space being provided along Randolph Road.

The staff does recommend approval of this petition. We do have some outstanding issues related to site building design to work through. It is consistent with the Elizabeth Area Plan recommendation for office uses and we'll be happy to take any questions following the petition team's presentation.

Keith MacVean, 100 North Tryon Street said with Moore Van Allen. Jeff Brown with our firm and I are assisting Flagship Healthcare Properties, LLC with this petition. I want to thank Dave and C-DOT for all of their assistance on this petition. I'm going to turn it over quickly to Thorn Baccich to just give you a few words about Flagship, and then it's going to turn it over to Blair Primis, who's going to talk about Ortho Carolina, who is the proposed tenant for the building.

Thorn Baccich, 2701 Coltsgate Road, Suite 300 said quickly, thank you to Council. I Also want to thank all the hardworking volunteers with the Elizabeth Community Association. Flagship Health Care Properties is a local Charlotte-based full-service real estate firm. We plan to own and manage this facility for the long term. We're very excited about making a significant investment here in Charlotte. We're also excited to be working with Ortho Carolina. So, I will turn it over to Blair if he's available to say a quick few words on behalf of Ortho Carolina.

Blair Primis, 4601 Park Road said real quick. We're super excited about this opportunity and have a long history of giving back to the local community. I think this is another great example of our way to improve patient access and make the opportunity for outstanding health care to be accessible to not just the local community and local neighborhood, but all of Charlotte with this project. So, we're really proud of the work that's been done and our partners here have been fantastic in the effort that they put forth. So, I look forward to working through this project and any questions will be available after.

Mr. MacVean said Dave cover the location and he zoning from O-2 to MUDD. This is some images of the adjacent street. Consistent with the Elizabeth Area Plan, which recommends office. I do want to thank, as Thorn mentioned, the Elizabeth Land Use and Development Committee. We've worked very hard with them over the last few months to develop this site. We do have the ECA (Elizabeth Community Association) and the general community support for the proposal. We are working on a few remaining C-DOT issues.

Councilmember Egleston said I appear to be the only one so, unless I see another hand go up I'll close it afterward. My only question is for C-DOT staff because the petitioner has done a good job of working with the community association to work through their feedback and any concerns they had. The traffic calming. They've done a good job on too, but I think we're still waiting for an answer from C-DOT related to a potential traffic light investment at Bascom and 7th. So, C-DOT can address that or any of the other outstanding traffic calming questions that I think are on their desk now, not the petitioners. I'd appreciate it.

Robyn Byers, Transportation Program Manager said We are looking into transferring that contribute toward the signal at 7th St and Bascom, and so we're waiting on final confirmation from our internal staff to make sure we can accommodate that and we'll address it before a decision.

Mr. Egleston said I appreciate that.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 28: HEARING ON PETITION NO. 2020-150 BY EVOLVE ACQUISITION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.267 ACRES LOCATED ALONG THE SOUTH SIDE OF ALEXANDRIA ROAD, NORTH OF INTERSTATE 485, AND WEST OF HIGHWAY 77 FROM R-3 (SINGLE-FAMILY RESIDENTIAL AND BP (BUSINESS PARK) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said is approximately 20.267 acres located on Alexandriana Road. That's right near the I-485, I-77 interchange. The current zoning is a mix of R-3 and BP business park. The proposed zoning is for R-17 multi-family conditional. The adopted future land use from the North Lake Area Plan, which was adopted in 2008. Calls for residential office and retail up to 17 dwelling units per acre for the site. The proposal with this petition proposes up to 312 multi-family dwelling units. Transportation improvements

include an eight-foot planning strip and a 12-foot multiuse path along the primary road frontage on Alexandriana Road.

Also commits an eight-foot planning strip and six-foot sidewalk along each side of the new public street being proposed for construction. We have a 20,000 square foot amenity area to include a clubhouse, fitness center, etc. as part of the project. Also, enhanced architectural standards are being proposed for the buildings throughout the project.

The staff does recommend approval of this petition upon resolution of outstanding issues related to site design. The petition is consistent with the North Lake Area Plan recommendation of 17 dwelling units per acre. Again, we do recommend approval once we get that outstanding issue worked out. So, with that, I will turn it over to the petitioner's team and we'll take any questions following the presentation.

John Carmichael, 101 North Tryon Street Suite 1900 said I represent the petitioner Evolve Acquisition. With me tonight are Matt Rogers of Evolve and Nick Bushon of Design Resource Group. The site contains just over 20 acres, as Dave said. It's located on the Southside of Alexandriana Road, essentially at the I-77, I-45 interchange. You can see the site in green right there at the interchange. The site is primarily zoned BP Business Park, but a portion of the site is zoned R-3. That's the westernmost portion of the site. [inaudible] is requesting that the site be rezoned to the R-17 MF CD zoning district to accommodate a multi-family community that would contain up to 312 dwelling units. The density would be 15.39 dwelling units per acre. As Mr. Pettine indicated, the site is subject to the North Lake Area Plan, which recommends residential office and retail users on the site. It recommends a residential density of up to 17 dwelling units an acre.

Once again, the proposed density is under 15.39 units an acre. So, the proposed rezoning is consistent with the North Lake Area Plan. Evolve is a North Carolina-based multi-family developer, contractor, and property manager, and it develops properties with the intent of owning and operating the developments for the long term. This is a rendered site plan. Access would be from Alexandriana Road. The petitioner would construct left and right turn lanes at each entrance into the site on Alexandriana Road. The petitioner will install an eight-foot planning strip and 12-foot wide multi-use path. The community would have a large amenity, as you can see, basically in the center of the site and architectural standards are part of the petitioner's plan.

We do appreciate the Planning Staff's favorable recommendation and there is one outstanding issue which we will address this week. We appreciate your consideration and we're happy to answer any questions.

Councilmember Phipps said how much was the tree save area for this 20-acre site? Mr. Carmichael said I believe it's 10% isn't it Nick?

Nick Bushon, 2459 Wilkinson Boulevard, Suite 200 said this would require 15% tree save on site. The site is actually in a center, so there are some buyout options. That

offers the best instead of between a wedge corridor and center. That's how the tree saves is broken down. We are under the 15% as shown. There is a good portion along with those buffers. There's a stream buffer on the plan's Southside and then wrapping all the way around. That's where we're taking advantage of most of the tree save that we preserve outside.

Mr. Phipps said the reason I was asking for it because I noticed in our notes that we hardly ever get any comments from the, I guess, the Urban Forestry Department. I don't know what are our expectations are for comments from them, because in a lot of instances, we have a lot of acreage with vacant and all they have on them are trees. In as much as we are really concerned about our Tree Canopy, I would think that we would have some sort of comment from them or some sort of tree save calculation or something other than saying no outstanding issues. So, I would like to know what are our expectations in terms of comments from the Urban Forestry Department when we have a significant acreage covered by trees which would result in considerable loss of trees?

Mayor Lyles said We'll ask the staff to get a little bit more follow-up from the Urban Forestry staff and see what goes on with that and why. Then what are their options or choices?

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 29: HEARING ON PETITION NO. 2020-168 BY THE BUILDING AGENCY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.572 ACRES LOCATED OFF ARNOLD DRIVE, EAST OF EASTWAY DRIVE AND WEST OF KILBORNE PARK IN THE MARKHAM VILLAGE NEIGHBORHOOD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said just over one and a half acres. As mentioned, it's on Arnold Drive, just off the intersection of Eastway. Current zoning is R-4, proposed zoning is just R-8 conditional, no MF. So, just the standard R-8 single-family zoning district, but a conditional one. The Eastland Area Plan recommends single-family uses and up to four dwelling units per acre for the site. That plan was adopted in 2003. The proposal for 2020-168 is to subdivide the acreage into seven lots to permit the construction of no more than seven single-family detached homes. It would have to construct a public street to serve the residences as well as curb and gutter, an eight-foot planning strip, and a six-foot sidewalk along Arnold Drive. Also, we have architectural standards to include walkways from residential entrances, two sidewalks, raised entrances for any entrance within 15 feet of a sidewalk, usable porches and stoops with a minimum depth of six feet, and also

full cut off detached lighting, limited to 21feet in height. The proposal also caps the density at 4.45 dwelling units per acre. So, it just comes in just slightly over the recommended delay in the Eastland Area Plan.

The staff does recommend approval of this petition upon resolution of some outstanding issues related to transportation and site-building design. As mentioned, the petition is inconsistent with that single-family recommendation, up to four dwelling units per acre, but just slightly over at 4.45. So, again, the staff does recommend approval and be happy to take any questions following Mr. Terry's presentation.

Dennis Terry, 2329 South Tryon Street said thank you for your presentation, David. I'm going to go over a few points really quick. I'm going to be cognizant of your time tonight, not give you guys you're too late. As planning presented, there are no outstanding issues with this project. The petitioner actually lives here. He has worked with the neighborhood for a long time. He has actually conducted two community meetings to engage neighbors throughout the design development of this property. There's several large trees on the property that are going to remain. There are some existing drainage issues in the interior of the parcel and along Arnold Drive, which this project will alleviate. As Dave recommended this follows the existing small area plan and the proposed DUA is 4.5 and the existing by-right of this property is 4. So, this plan is really in the spirit of the existing zoning and I welcome any questions and the petitioner is also here, you can answer some questions as well.

Councilmember Winston said I won't be very long. This is very simple. I think this is also a great example about how single-family land use adds subjectively to a project. There's no reason, I think, that this petition should have to go through the rezoning process. It improves and keeps the character of the neighborhood. Right now, this just seems like an arbitrary governmental regulation.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 31: HEARING ON PETITION NO. 2020-179 BY AGENT 89 PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .74 ACRE LOCATED AT 4100 ROBINWOOD DRIVE LOCATED IN THE EASTLAND/WILORA LAKE COMMUNITY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said three-quarters of an acre on Robinwood Drive. The current zoning is R-3. The proposed zoning is R-4. This is a conventional petition. So, no

associated site plan. The policy for this land-use perspective comes from the Eastland Area Plan once again. That was again adopted in 2003. It does recommend single-family uses for up to four dwelling units per acre for the site. The staff does recommend approval of this petition. It is consistent with the Eastland Area Plan and we have no outstanding issues, obviously with it being a conventional petition. So, we'll be happy to answer any questions following Mr. Wallace's presentation.

William Wallace, 6101 Carnegie Boulevard, Suite 310 said I appreciate everybody's time this evening. I will also be brief in my comments, given that you guys have heard a multitude of different presentations this evening. This is pretty standard conventional rezoning. The petitioner may also be in attendance this evening as well. So, following my presentation, if there are any questions, I'll be happy to let Mr. Steve Smith make comments to anything the Council may have. But this simply just says our three to R-3 to R-4 transition so that the lot can have less width requirement. Currently, R-3 requiring a 70-foot minimum lot width, whereas R-4 would regulate this to a 60-foot minimum requirement for width. Ultimately what the goal is after rezoning to pursue subdivision and allow for two single-family residences to be placed on the newly subdivided lots, both of which will be made available for lower-income residents. There will be very good homes that will add added benefit to the community. It's an exciting project, one that we're very happy to be a part of.

Councilmember Winston said I'd just like to point out that this is another arbitrarily added cost and added time that makes it more expensive for single-family homeowners to realize their full investment potential in their own property. There's no reason why this should have to go through the rezoning process. This single-family zoning is an arbitrary and egregious government regulation that Mr. Wallace should not have to represent in front of us tonight.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

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ITEM NO. 32: HEARING ON PETITION NO. 2020-184 BY PINKY'S, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .0.225 ACRE LOCATED ALONG THE WEST SIDE OF FREEDOM DRIVE AND ALONG THE NORTH SIDE OF WEST MOREHEAD STREET FROM B-1 PED -O (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL B-1 PED-O (SPA) (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL, SITE PLAN AMENDMENT)).

Mayor Lyles declared the hearing open.

David Pettine, Planning said .225 acres located along the West side of Freedom Drive in the North side of West Moorhead Street. The current zoning, as mentioned, is B-1 of a

pedestrian overlay. The proposed zoning is also B-1 pedestrian overlay with the site plan amendment and West Moorhead, Pedscape was adopted in 2004. It does recommend retail land uses for the site, which also is under a pedestrian overlay district. The proposal for this petition with Pinky's is really just to maintain the existing parking that's on-site. They have six parking spaces on their property and the optional provisions that are being proposed as part of the site planning amendment would essentially allow the site to maintain those six spaces and be in compliance through that optional provision. Mr. Fields can follow up, but I believe there was some shared parking arrangements around the site that are no longer available. In order to maintain their zoning compliance, they are going through this rezoning process, request that optional provision. There are other parking options within that area of West Moorhead and Freedom that would still allow folks to park in the area and go to Pinky's, and some of the other businesses in that general location.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation, site, and building design to work through. As mentioned, it is consistent with the West Moorhead Pedscape plan, which recommends retail uses for the site, and the staff will be happy to answer any questions following Mr. Field's presentation

Walter Fields, 1919 South Boulevard, Suite 101 said representing Pinky's West Side Grill, an institution in that part of town, and something that we want to find a way to let them stay there as long as they possibly can. Dave's report was accurate as that area has become more popular and vacant tracks are becoming occupied tracks. The parking area that they've been enjoying for years and years is probably going to go away fairly soon. One of the things that we wanted to make sure of is that it continued to be a conforming used under the zoning ordinance. So, the sole purpose of this request is to ask for the optional approval of the Council to say that the required parking for this site is the parking that's on the site today. As Dave mentioned, there's a lot of parking in the immediate area. There's a branch bank across the street that when it's closed at night, their entire lot is sitting there. The aerial photo shows some of the other parking in the area. Now, over time, some of that may go away, but the community seems to be heading in the direction of reduced parking requirements. In either case, I think we're just sort of out in front of the trend on that. Andy [inaudible] and Greg [inaudible], the two owners, they're most hopeful that you will find favor with this petition. Our community meeting was just one giant love fest. We must have had 15 or 18 people logged on to our community meeting and not a single person at the slightest doubt that they wanted to do whatever they could for Pinky's to be able to continue in the business at that location and be part of their community. So, that's our simple request. We'd appreciate your support to allow Pinky's to modify their parking so that they continue to be in conformance with your zoning ordinance.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.

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ITEM NO. 33: HEARING ON PETITION NO. 2020-185 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.808 ACRE LOCATED ALONG THE WEST SIDE OF DISTRIBUTION STREET, EAST OF SOUTH TRYON STREET, AND SOUTH OF DUNAVANT STREET FROM TOD-NC (TRANSIT-ORIENTED DEVELOPMENT-NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT-URBAN CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said .808 acres on Distribution Street. The current zoning is TOD-NC. The proposed zoning is TOD-UC. If you see on the map here, we do have some NC. That's the area that's actually not highlighted in the purplish color. UC is just to the south a couple of passes away down on distribution street. We've also had a few NC to UC transition zonings on Dunavant Street and South Tryon Street. This is from the New Bern Transit Station Area Plan in 2008 that does still recommend transit-oriented uses. This area was part of the alignment rezoning back in 2019 with 2019-102. At the time NC was the appropriate district. We do have a new station proposed over by South Boulevard and Iverson, which would be the Rampart Station over at Rampart and Hawkins Street. With that new station being planned and adopted that provides some eligibility for TOD-UC, which we've seen this area begin to make that transition with the station being closer. This petition continues that.

The staff does recommend approval of this petition and it is consistent with the Newburn Transit Station Area Plan. The staff will be happy to take any questions following the presentation by Mr. MacVean and the project team.

Keith MacVean, 100 North Tryon Street said with Moore Van Allen. I think Dave has covered all the points, really. Consistent with the Newburn Station Area Plan. The site now within a quarter-mile of the planned station at Rampart and therefore appropriate for the change and transit-oriented development zoning district from the TOD-NC to the TOD-UC district. Well, I want to thank Dave and his staff for their help and support. Be glad to answer any question.

Councilmember Phipps said Charlotte water has in their comments, they talk about the lack of sewer service capacity for this area and any increase in capacity is contingent on the Remount Water Project. So, I guess Charlotte Water is not here. I mean, is that project something that's in the near term or where does that project stand? Even if it's out there a little while, there's no certificate of occupancy that will be issued until that's resolved. Is that correct?

Mayor Lyles said I don't know the answer to that. Does anyone know about the certificate of occupancy or the scheduling of the Project? That'll be in the follow-up report. Mr. Phipps. We will have to follow up for that one.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 34: HEARING ON PETITION NO. 2020-187 BY SAM'S MART FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.098 ACRES LOCATED ALONG THE SOUTH SIDE OF CENTRAL AVENUE, ON THE WEST SIDE OF NORTH SHARON AMITY ROAD, AND NORTH OF SPANISH QUARTER CIRCLE FROM B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (GENERAL BUSINESS).

Mayor Lyles declared the hearing open.

David Pettine, Planning said just over an acre on the Southside of Central Avenue and the intersection of North Sharon Amity Road. The current zoning is B-1, proposed zoning is B-2. This is a conventional petition. The Eastland Area Plan from 2003 recommends retail uses for the site. So, this petition is consistent with the Eastland Area Plan recommendation for that retail use and that retail zoning district under B-2.

The staff does recommend approval of this petition. There are no outstanding issues. This is a conventional petition? We'll be happy to take any questions following Mr. Fox's presentation.

Anthony Fox, 620 South Tryon Street, Suite 800 said Good evening, Mayor, Mayor, Pro Tem, and members of the Council. Thank you for your service. You certainly earn your checks this evening. I'm representing Sam's Mart in the rezoning of a property that they owned for several decades, Quite frankly. Many of you who've been in Charlotte long time are familiar with this intersection of Central Avenue and Sharon Amity Road. This is the former Exxon station. As a matter of fact, if you were to ride by the site now you'll see the fuel canopy that still remains in place. It was being led to a 7-Eleven, but with growth and prosperity through quick trips that expelled the demise of the 7-Eleven use for the site. So, my client is attempting to really just rezone. It's currently zone B-1. My client seeks B-2 zoning. It does not plan to build anything on the site. It is weighing to make sure that they can partner with the venture plans for the Eastland Mall area and is just expanding the potential uses as a way for more appropriate, robust use for this area, and hence the request for B-2 zoning. The B-2 zoning is consistent with the Eastland Area Plan and we would hope that the Council can support this rezoning. I've also met and talked and reached out to various members of the community and the various community associations with regards to this request as well.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

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ITEM NO. 35: HEARING ON PETITION NO. 2020-188 BY SHAUN GASPARINI, TRUE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.49 ACRES LOCATED NEAR 13230 PLAZA ROAD, NEAR THE MECKLENBURG/CABARRUS COUNTY LINE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (MULTI-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said to continue our conventional petitions we've got this evening. This one is approximately 11.49 acres. As mentioned on 13230 Plaza Road. It's right at the Mecklenburg Cabarrus County line. In fact, the other side of the property on that yellow area that fronts Plaza Road extension is actually outside of Mecklenburg County. The current zoning is R-3, the proposed zoning is R-8 MF. The area plan is from the Rocky River Road Area Plan adopted in 2006. It does recommend residential uses up to eight DUA for the subject property. As I mentioned, this is a conventional petition. It is consistent with the Rocky River Road Area Plan.

The staff does recommend approval. We have had conversations with both petitioner and the town of Harrisburg, which has jurisdiction on the other side of our zoning boundary. That will be a project that will be shared between both jurisdictions and will require coordination through permitting. But again, this is just a conventional petition at this time. That coordination will happen in the land development process. Again, the staff does recommend approval and be happy to take any questions following Mr. Moore's presentation.

Shaun Gasparini, 2649 Brekonridge Centre Drive, Monroe said Eddie Moore is on the line with us as well. I think in the interest of time, I'd be happy to answer any questions. The staff's done a fantastic job framing the rezoning and the issues that are before you this evening. So, with that, we'd be happy to answer any questions that you folks might have.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 36: HEARING ON PETITION NO. 2020-189 BY 5110 GABLE ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY.66 ACRES LOCATED EAST OF GABLE ROAD AND SOUTH OF SHOPTON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO I-2 (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said is just about 2.6 acres on Shopton Road and Gabel Road. This property actually has some split zoning. It has R-3 as well as I-2. The Steele Creek Area Plan recommends office industrial warehouse distribution for this site. You can see that's kind of the predominant land use on the Southside of Shopton Road, as well as the zoning in the area is primarily I-2 and I-1. This is a conventional I-2 petition just to round out the zoning on the property and allow some room for expansion. I believe the applicant actually lives on the property in a single-family home but is looking to continue to expand a successful business operation he has there. It is consistent with the Steele Creek Area Plan. It is conventional. The staff does recommend approval and we'll be happy to answer any questions you may have.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.

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ITEM NO. 37: HEARING ON PETITION NO. 2020-191 BY CENTRAL AVENUE KARYAE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.075 ACRE LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE, EAST OF PECAN AVENUE AND WEST OF THOMAS AVENUE FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO B-2 PED (O) (GENERAL BUSINESS, PEDESTRIAN OVERLAY-OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said is on Central Avenue, just between Thomas and Peacon along with that small Central Business District there on Central Ave. The existing zoning is a B-2 pedestrian overlay. The proposal is a B-2 pedestrian overlay with an optional provision. That optional provision essentially is, I'll go to the Pedscape plan first, Plaza Central Pedscape Plan does recommend multi-family office retail for the site. That's part of that. Like I said the Central Business District in this area, Plaza Midwood. So, this would just continue that trend of those uses as outlined by the plan. This plan essentially is to maintain the existing building on the subject property and really allow for a small expansion of up to 20%. Those optional provisions, as we've seen on several other projects along Central Avenue, as well as some on the Plaza closer to Commonwealth Avenue. Then we have a pending petition just on the other side of the street here on Central. It's really to work into the property to allow it to be adaptively reused, maintain the existing buildings while opting out of the parking requirements that would normally kick in and wouldn't be able to be met on-site for this project just to the nature of those existing buildings in that corridor. This has been employed, like I said, on a couple of other petitions, mainly it's helped to maintain that streetscape in that business district along Central Avenue, as is while allowing some newer uses to go into some of those existing

buildings. So, this is a conditional plan. So, there are a few outstanding issues, mainly related to site building design and some technical revisions that need to be worked out. But the staff does recommend approval. As I mentioned, it is consistent with that Plaza Central Pedscape Plan, and consistent with the trend that we've seen for employing this optional provision in this corridor to maintain those existing buildings and structures along Central Avenue. So with that, I'll turn it over to Mr. Brown and be happy to answer any questions following their presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Great presentation by Mr. Pettine. Happy to answer any questions if you have them.

Councilmember Egleston said just that my priority is on a particularly this block with this commercial district of Plaza Midwood will continue to be the preservation of the businesses and the buildings along there. This is an effort towards that end.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

Councilmember Driggs said I just want to say in seven and half years this is the smallest rezoning I have ever seen.

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ITEM NO. 38: HEARING ON PETITION NO. 2020-193 BY PREMIER ATHLETIC MANAGEMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.50 ACRES LOCATES ALONG THE EAST SIDE OF BROWNE ROAD, SOUTH OF INTERSTATE 485, AND WEST OF BENFIELD ROAD FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said It's ten and a half acres. As you can see, It's just on the other side of I-485 on Brown Road. The current zoning is institutional conditional. The proposal is B-1conditional. The adopted future land use is from Prosperity Hucks Area Plan from 2015. It does call for parks and open space on the site. That's likely due to the existing uses of the tennis and racquet club that's currently out there along with a pool. The proposal under this petition is really to take that existing athletic club and allow for an expansion which would consist of a canopy structure over three existing tennis courts at the front of the site. So, those would become covered. Also would convert to tennis courts into indoor Pickleball Courts, construct two outdoor sand Volleyball Courts, as well as two additional Pickleball Courts outdoors, and then also construction just under 7,000 square foot public outdoor Beer Garden with some seating. Also would commit to the installation of curb and gutter and a proposed five-foot Bike Facility, along Brown Road, and then a

five-foot-wide trailer around the proposed stormwater pond and also provide a public access community garden on the site as well. So, those would be the enhancements to the existing site.

The staff does recommend approval of this petition upon resolution of outstanding issues related to the environment, and site design, and then some technical provisions related to transportation. It is inconsistent with the Prosperity Hucks Area Plan of parks and open space. We are still maintaining quite a bit of recreational uses out there, but just that conversion to a more public accessed retail type of use with the Beer Garden, does kind of kick it into that inconsistent, but still are providing parks and open space on the site just through the recreation uses that will be existing and expanded. So, the staff does recommend approval. We'll be happy to take any questions following the presentation by the petitioner team.

Tristan McMannis, 9300 Harris Corners Parkway, Suite 220 said I'll keep this very brief. The staff did a great job summarizing what this petition is about. So my name is Chris McManus Tristan McMannis. I'm with Dewberry Engineers. I'm the landscape architect for the project? I am here representing Jeremy Speicher, who's with Premier Athletic Management. He's the petitioner and the owner/operator, Don [inaudible] is the project architect for this one. So, kind of the impetus of all this, like was mentioned, is they really want to grow their offering of services and reach out to the community more. So, in order to do so, what they're proposing is the Beer Garden, which will be open to the public, to Community Gardens, and then they're trying to make their facility more usable year-round. So, as was mentioned, some of the Tennis Courts are going to be covered as part of this plan. There will also be a conversion of some Tennis Courts to Pickleball Courts due to its increase in popularity as well as the construction of a seasonal covering over the pool at the back of the facility, which may include a future covering over the spray ground.

Again, trying to increase the usability of the site year-round, as well as appeal to members of the community. One thing I forgot to mention related back to the Beer Garden and Community Garden component is there will be some outdoor leisure activities, things like Cornhole, outdoor music. There may be food trucks from time to time. So, it's really seen as kind of a family fun venue to engage the surrounding community and get them more involved in the club.

We've got some inspirational images of where some of this was taken from, so you can see up in the upper right-hand corner is one of those coverings over the Tennis Courts similar to what's being considered here. We've also got some images from a place called Chicken and Pickle where they've got kind of a similar setup to what's proposed here, where there's outdoor leisure space, there's Pickleball Courts. You can eat, have something to drink. The kids are there. You can kind of watch the games that are going on. I believe we have the current site plan where we have addressed, I believe, the technical issues with the plan and are ready to resubmit pending favorable review tonight.

I guess with that, Jeremy and Don both are with me this evening to answer questions and speak as well.

There's the black and white one right there that kind of shows the plan. You can see we've addressed some of the technical issues. We had to straighten out the driveway over by Amber Glen a little bit. We also pulled the trail out of the buffer by the stormwater BMP and then there's some potential future Tennis Courts that are shown up in the upper right-hand corner, which were placed in to show how if those were built in the future, we could still meet Urban Forestry's tree save requirements.

Councilmember Phipps said I had a question. Is there a membership fee associated with the use of the club and its amenities?

Mr. McMannis said Yeah, I'll go ahead and I'll speak for Jeremy here. There is if you want to use the Tennis Courts and stuff that is for members typically. Now I believe Jeremy does have or is planning on having events. There would be kind of like an open house at certain times throughout the year so people can come to see the facilities, but then the Beer Garden and the Community Gardens would be open to the public without having to pay a fee.

Jeremy Speicher, 1111 Vision Path, Concord said our club right now, we are a membership-based club, but we are not a full membership club. So, we currently already have a lot of activity that is open to the public, lessons, clinics, leagues. All of those activities have both member and non-member components. Really the goal of this expansion is to [inaudible] that was to enhance both the year usability, but also to incorporate more activities that are open to the public around the facility.

Motion was made by Councilmember Bokhari, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.

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ITEM NO. 39: HEARING ON PETITION NO. 2021-002 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.98 ACRES LOCATED SOUTH OF BYRUM DRIVE, EAST OF I-485, AND WEST OF YORKMONT ROAD FROM R-3 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-2 AIR (GENERAL INDUSTRIAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said is the first of two airport petitions this evening. This one is just under five acres of Byrum Drive, just West of Yorkmont Road and East of I-485. As you can see, the current zoning is really just kind of an island of R-3. It does have the

airport noise overlay on it. The proposed zoning would be to just go to I-2 conventional, maintain that airport noise overlay. You could see the surrounding zoning is heavily -2 and I-1. The adopted future land use from the Southwest District Plan also supports that industrial and use. It does recommend office industrial for this site. But you can see again, the predominant uses out in that area are geared towards industrial, both light and heavy. This is a conventional petition, so no outstanding issues. It is consistent with that Southwest District Plan and the staff does recommend approval of this petition and will be happy to take any questions following any kind of presentation by Mr. Hair.

Stuart Hair, 5601 Wilkinson Boulevard said I have nothing further to add. I'm merely here solely to be a resource for any questions that you may have.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.

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ITEM NO. 40: HEARING ON PETITION NO. 2021-005 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 108.67 ACRES LOCATED ON THE SOUTH SIDE OF WILKINSON BOULEVARD, EAST OF INTERSTATE 485, AND WEST OF BILLY GRAHAM PARKWAY FROM R-4 LLWPA AIR (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY), I-1 (CD) LLWPA AIR (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY), AND I-1 (LLWPA AIR (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY) TO I-2 LLWPA AIR (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said it's about 108 acres of being rezoned by the airport. It's located on the Southside of Wilkinson Boulevard, East of I-45, West to Billy Graham Parkway. As mentioned, this has a host of zoning districts between I-1, I-1 conditional, and R-4. The proposed zoning is to take all those three zoning districts, combine them into an I-2 conventional. That would round out that general area, as you can see with I-2 being the predominant zoning. It would also still maintain the lower Lake Wylie protected area and airport north overlay with that rezoning. The Southwest District Plan again comes into play on this petition. It is consistent with that. It does recommend the office and industrial land uses for this site. So, again, this is another conventional petition. It is consistent with the Southwest District Plan for the proposed land uses and the staff does recommend approval. I'll be happy to answer any questions along with any comments from Mr. Hair.

Motion was made by Councilmember Eiselt, seconded by Councilmember Graham, and carried unanimously to close the public hearing.

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ITEM NO. 41: HEARING ON PETITION NO. 2021-005 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.298 ACRES LOCATED ALONG THE SOUTH SIDE OF LASALLE STREET, ON THE EAST SIDE OF TAYLOR AVENUE, AND WEST OF BEATTIES FORD ROAD FROM O-2 PED (OFFICE DISTRICT, PEDESTRIAN OVERLAY) TO B-1 PED-O (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY - OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said It's just under .3 acres. As mentioned on Taylor Avenue and Lasalle Street, just off Beatties Ford Road. The current zoning is O-2 with a pedestrian overlay. The proposed zoning is B-1 with pedestrian overlay and optional provisions. The future land use is from the West End Land Use and Pedscape Plan that was adopted in 2005. That does call for multi-family office and retail uses on the site. This petition is essentially just to round out the existing development that fronts Beatties Ford Road and Lasalle. This area is currently some overflow parking that is going to be redone and provides an updated parking area with 16 spaces. It looks like there is some language and I may have the petition or clarify the proposed accessory service lane for an abutting ATM. I know there was some discussion of whether or not that may still be included so they can follow up on that. But we do have some optional provisions to allow parking between the building and Taylor Avenue. That would be one of the main provisions to allow that to function as in the PED overlay. That's not something that would normally be permitted.

The staff currently does not recommend approval of this petition in its current form, mainly just we have some outstanding issues that we need to work through and be resolved to adhere a little bit closer to some of the ordinance requirements and planning requirements from the West End Land Use and Pedscape Plan. Overall with the project, the staff doesn't have any concerns. It's really just the site plan needing some additional work and revisions before the staff puts a recommendation of approval in front of the zoning committee or council for a decision. So, we're confident those changes will come in next week when plans get resubmitted to us and we'll continue to work with the petitioner to get all those items addressed.

As mentioned, it is consistent with the West End Land Use Pedscape Plan, but it is inconsistent with some of the street design and pedestrian elements that are recommended in the plan. That is one of the bases for our recommendation currently. But again, we will continue to work with the petitioner and get all those items addressed and

we'll be happy to answer any questions following the presentation by Mr. Foley. and Mr. Dennis.

Chris Dennis, 201 North McDowell Street said I just want to [inaudible] the Mayor and all City Council, and all of the Staff. I know it's getting late, so we won't take very much time. I just want to thank everyone for the support we've got on this project. This is a classic development in the heart of the [inaudible] that is currently in need of great development. The parcel that we're talking about is a vacant lot that's currently owned by [inaudible] Development, which would be an improvement of the existing parking area. The point I want to stress is that for this parcel, any reduction in parking on this site will impact our existing tenants and our opportunity to provide needed space for future development. So, what we're requesting is the consideration to basically create thoughtful innovation in improving the existing facade and use of the area that we already own. So, I'm just asking that we continue to work with the staff to come to a resolution and resolve the issues that we currently have. We will work diligently to work with the staff to make that happen.

I think the only other question that came up that I wanted to address was the ATM. We [inaudible] the original site plan. We now have the ATM on the main site that's already been approved. So, we're only adding the parking on these two small parcels to rezone. Then I'm available for any questions for that.

Rodney Faulkner, 301 East Tremont Avenue, Suite D said thank you again for everyone taking the time to meet with us. I wanted to reiterate what Chris had talked about before. I'm the commercial broker with the responsibility of leasing up space. I know that the staff is trying to recommend that we reduce the site by seven spaces. What that does for my position is really kind of hamper me a little bit more from trying to go out and get tenants that can best serve this area. So, any reduction in parking is not consistent with me being able to go out and bring neighborhood services to the area. I mean, we're probably about a little over 50% leased, but we love to have as much parking as possible, given that space was a parking lot before. So, again, I think that's the only input I'd give. If we can work together with the staff to get as much parking as possible, that would be helpful.

Councilmember Graham said I just want to encourage both the zoning staff and the petitioner to continue to work together. I know they've been talking. I spoke with both parties today. Obviously, parking is an issue that we're trying to resolve in terms of making sure they get as much possible parking under the guidelines of the plan, but also just making sure that we button things off of dotting the I's and crossing T's before we're coming back to the bill for this consideration.

Motion was made by Councilmember Graham, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

Councilmember Phipps said I would like to make a comment on one of the decisions that we approved earlier. For some reason, my machine was having technical difficulties. I couldn't get the thing to unmute. I think the community, the neighbors up that way we're talking about the petition 2020-108, the affordable housing unit that we just approved for NRP. NRP has three projects. NRP has three projects. One at Old Concord, one at Eastway and Tryon, and now the Penny Way. They have a total of \$120 million in investment there, which is good. Up the street from there have Crossland with \$30 million in affordable housing project investment. Even up from here there you have Mayfield Memorial with affordable housing investment which comes to maybe about \$180 million in quality, affordable housing projects in the area. With the community, I think that Dave expressed to councilmember Johnson and us is, they would like to catch a breath on any similar projects that might be looked at, at that corridor so they can have a chance to absorb these five subsidized Housing Trust Fund Projects within a three-mile radius of each other. So, I would ask that you would do give that some consideration a go-forward basis, that they're trying to absorb the quality housing that's coming their way and at the same time deal with some of the infrastructure and traffic issues and school-related issues that impacted by some of the developments. So, I just wanted to put that on the record on behalf of the community.

Mayor Lyles said okay, thank you, Mr. Phipps.

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ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously adjourn the meeting.

The meeting was adjourned at 9:08 p.m.



Stephanie Bello, Deputy City Clerk

Length of Meeting: 4 Hours, 20 Minutes
Minutes Completed: May 11, 2021